

**LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

**BOARD MEETING**

**APRIL 4, 1991**

**JIMMY JENKINS  
CHAIRMAN**

**BATON ROUGE, LOUISIANA**

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the  
Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808  
For more information call (504) 765-2806

**AGENDA**  
**LOUISIANA WILDLIFE AND FISHERIES COMMISSION**  
**BATON ROUGE, LOUISIANA**  
**April 4, 1991**

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## **MINUTES OF MEETING**

### **LOUISIANA WILDLIFE AND FISHERIES COMMISSION**

**APRIL 4, 1991**

Chairman James H. Jenkins Jr. presiding:

Thursday, April 4, 1991

Houston Foret  
Bert Jones  
Norman McCall  
Jeff Schneider  
Pete Vujnovich

Acting Secretary A. Kell McInnis III was also present.  
Commissioner Warren I. Pol was absent

Chairman Jenkins called the April 4, 1991, Commission meeting to order. A motion was made by Mr. Vujnovich for adoption of the March 7, 1991, Minutes of the Commission Meeting. The motion was seconded by Mr. Schneider and passed unanimously.

Acting Secretary McInnis stated that pursuant to meetings earlier the department has attempted to find some people to come in and speak to the Commission to bring them up-to-date on some projects that the department, in conjunction with other outside agencies, is working on. Mr. George LaPointe works with the International Association of Fish and Wildlife Agencies (IAFWA) and is the point man on the Proactive Strategies group for that organization. Louisiana is a member and very active with the program advised Acting Secretary McInnis and stated that he thought the Commissioners and others attending the meeting would be interested in the program that is going on with the proactive strategies. The department is providing office space for Mr. LaPointe. Acting Secretary McInnis introduced Mr. LaPointe and asked him to make his presentation.

Mr. George LaPointe, Liaison-IAFWA, gave a Overview of the Proactive Strategies Project. Mr. LaPointe stated that he appreciated the opportunity to address the Commission to talk about the Proactive Strategies Project. The project is a forward looking project that will benefit Louisiana and other state fish and wildlife agencies in dealing effectively with the animal rights movement. Mr. LaPointe at this point gave a short overview of the IAFWA. The International is an organization of state fish and wildlife agencies consisting of all fifty states, ten Canadian provinces and territories, the federal governments of Canada, United States and Mexico and basically has two broad objectives. One is to promote cooperative professional fish and wildlife management in North America. The other is to protect the state's authority to manage fish and resident wildlife. The association

operates through its member states through a series of about twenty committees. Mr. LaPointe pointed out some of the committees that the Commissioners might be interested in which were an Ad-Hoc Committee on Wallop-Breaux Reauthorization, the North American Waterfowl Management Plan Committee, Fur Resources Committee, Habitat Protection Committee, Nongame Funding Committee, and an Animal Welfare Committee. The Animal Welfare Committee directs the Proactive Strategies Project. The association has been, in times, interested in a number of projects that affect and benefit Louisiana. In carrying out these activities the association has had a lot of help and support from Department of Wildlife and Fisheries employees stated Mr. LaPointe. Kell McInnis and Virginia Van Sickle before him, have lent both support and advice to the association for as long as Mr. LaPointe has been associated with the group. Johnnie Tarver has long been associated with the Animal Welfare Committee and currently serves as Vice-Chairman. Mr. Tarver also works on the committee that works on Nongame Funding. Greg Linscombe is the Chairman of the Fur Resources Committee and Butch Bateman has been involved in the North American Waterfowl Management Plan on the Migratory Wildlife Committee. The department is supporting the Proactive Strategies Project through providing office space for him pointed out Mr. LaPointe.

Mr. LaPointe reported that the Proactive Strategies Project stems from the association's long involvement and interest in the anti-hunting, anti-management issue. The association has been working on this issue since the mid-sixties but had never figured out how to address the problem. As people addressed the anti-hunting, anti-management issue there were three approaches they took. One approach was to say that we are the wildlife professionals with the facts and experience in fish and wildlife management and this would convince people that this is enough to put the animal rights movement to bed but was found not to be the case because you are basically dealing with emotion and personal ethical choices, not facts and biology, stated Mr. LaPointe. The second approach was to say that these animal rights people were crazy and in time they would go away. Certainly some of them are crazy but most aren't and they are not going to go away pointed out Mr. LaPointe. The third approach was to try to gather a war chest to achieve what Mr. LaPointe called a "quick killing blow" on the animal rights movement. This may be an appealing approach but is not going to work because as public agencies there are a lot of activities of this nature that cannot be engaged in advised Mr. LaPointe. The war chest of the animal rights organizations are very full and it is hard to outgun them in that regard. Thinking over these approaches the association's Animal Welfare Committee decided to try to do something about this situation. One of the things realized was that because this was going to be a long term approach they wanted to integrate some planning into the effort and they contracted with a group called the Organization of Wildlife Planners. This organizations is made up of planners of various state and federal agencies. In talking about the Proactive

Strategies Project and looking at the term proactive is pretty useful stated Mr. LaPointe. Unfortunately it is kind of a over used term and it is looked at as the opposite of reactive but in regard to the Proactive Strategies Project it is looked at as a project that is trying to change the perceptions of the public about wildlife management before those public perceptions are changed by somebody else, in this case the animal rights people. Mr. LaPointe stated that Abraham Lincoln was the one that said "public opinion may not always be right but in the end it will prevail" so they are trying to change those attitudes so that agencies are able to continue to do the things that they are doing. In discussing this issue it is often said nationwide, this may not hold true for Louisiana, that ten percent of the public either hunts or supports hunting in the agency's actions, ten percent oppose those activities, hunting, fishing and trapping and eighty percent in the middle which care about wildlife but they do not have strong feelings one way or the other on the issue advised Mr. LaPointe. What the IAFWA is trying to do is make the ten percent that support agencies's actions fifteen, twenty or twenty five percent so that a larger portion of the public will know what is being done. The mission goal of the Proactive Strategies Project is to provide effective strategies with which the association and its member states through coordinated implementation can maintain and increase support for professional wildlife management and long term conservation programs. Under this goal there are two objectives. The first objective is to develop an array of communication tools for use by state agencies and others to maintain and increase support for professional fish and wildlife management programs. This is developing strategies to corner a larger portion of the public that supports what is being done. The second objective, which is more short term, is to develop the necessary logistical and legal information for state fish and wildlife agencies to mitigate the animal rights movement. Under these objectives there are sixty strategies in various forms which range from organizing state groups interested in responsible animal use to better understanding the views of people interested in wildlife which includes the animal rights activists.

Mr. LaPointe went into eight of these strategies in more detail at this point during the meeting. The first thing that was done was to send out surveys to all the states to try and document the extent and impact of the anti-hunting, anti-trapping activities on the agency time and budgets. It was found that more and more of the agency time, law enforcement time, biologist time, and administrative time is going into working on these types of issues. A series of facilitated workshops between state agency personnel and local and regional representatives of animal rights organizations were set up. The purpose of these workshops is to better understand the philosophical base of people in the animal rights movement and also to explore differences between local and regional groups and national animal rights groups explained Mr. LaPointe. There has been criticism of these meetings by some

people who say that closed doors meetings are being held to negotiate away the hunting and fishing rights with the animal rights interest. Nothing could be further from the truth, these are not closed door meetings and there are no negotiations because the association does not negotiate for state agencies stated Mr. LaPointe. A lot was learned about the animal rights activists and the state agency personnel, in the case from the upper mid-west, learned about the movement as well. The association intends to hold three more of the regional workshops and also intends to hold some workshops with other interest groups such as sportsmen organizations or that eighty percent of the public in the middle to find out what their views are about wildlife management and wildlife management agencies. Another part of the project is a mortality study to quantify how animals die in the wild from means other than hunting, fishing and trapping. This information will be of help to dispel the idea that if animals are not hunted, fished or trapped they die peacefully of old age. One of the most useful strategies within the project is what is called an Issue and Crisis Management Handbook which will be a compilation of information on how best to avoid crisis or better yet how to implement programs to avoid crisis with regard to the animal rights activities. This will include contacts in other states, list of extra witnesses if needed, and some case histories on what has or has not worked in other states advised Mr. LaPointe. The project will soon begin a newsletter to make timely information available on animal rights activities to other state agencies. One of the things that has been done and already implemented in Louisiana is the association has been promoting within individual states the formation of groups interested in responsible animal use. There is a group in Louisiana called Louisiana Federation for Animal Use In Society. There has also been groups formed in Arizona and Texas. The idea is that local groups can gather local information and deal with local situations. Some of the longer term programs that the association is working on are some educational materials for both students and the public. The materials will be designed to increase the visibility of wildlife agencies and to promote public support for these agencies. The association will utilize what has worked in other states rather than recreating the wheel advised Mr. LaPointe. Another part of this section will be to work on news and media relations and cultivate relations between agency personnel and the media. Another part of this strategy is to train agency personnel to deliver their messages more effectively. When going through these projects we are going to rely very heavily on the experience of what has worked and has not worked in other states pointed out Mr. LaPointe. Mr. LaPointe advised that the green booklet that is in each of the Commissioner's packets covers the project more in depth and the project at this point is just developing the strategies which will take probably another year and will then move into a more concerted implementation stage. Concluding, Mr. LaPointe mentioned that the International and the states are not the only people undergoing this type of effort. Earlier this year a number of conservation organizations and

sportsmen groups formed an organization called the United Conservation Alliance. The association has been working very closely with the alliance because their goals are very similar but has not joined because the alliance will probably engage in some activities that are not appropriate for public agencies such as lobbying or fund raising. Mr. LaPointe asked for questions. Chairman Jenkins asked if the animal rights activists groups were participating in the political process in certain states to reach their goals? Mr. LaPointe advised both at the state level, the national level and are well funded and aggressive. Chairman Jenkins asked if these groups have had any success in the legislative process. Mr. LaPointe stated that he thinks they have had some success if you think about trapping. The leg hold trap has been banned in New Jersey and is one of their biggest pushes right now. There is a broad act that deals with animal welfare called the Animal Welfare Act and they have been quite successful in pushing their agenda through that as well advised Mr. LaPointe.

Mr. Jones stated that he worries sometimes that we are fragmented in so many different areas with a lot of people striving for the same things and we should become more consolidated in the movement towards understanding of the situation. Mr. LaPointe answered that he thinks we are coming to this now. The state and government agencies are working on the project and the United Conservation Alliance along with others.

Chairman Jenkins thanked Mr. LaPointe and invited the Commission members, staff, press or interested parties who have some areas of interest that they would like to have presented at the Commission meetings to tell the Commission what it is and they will see if they could get the appropriate people to present information on a subject such as Mr. LaPointe did, and others that may be of interest.

A Emergency Declaration, Resolution and Notice of Intent on Alligator Rule Change was presented by Mr. Tommy Prickett. Mr. Prickett advised that he had some alligator rule changes, specifically some amendments with regard to the alligator farming program. A notice of intent has been prepared along with a declaration of emergency and resolution which would put these amendments into effect as of today if the Commission rules on them favorably. Mr. Prickett briefly went through the changes that were being recommended. The first two changes with regard to the reporting requirements pertains to the fact that the legal citation of Title 56 was omitted and it is being added in. The alligator program alligator farmers currently report to the department once annually which is in December when they renew their license. Mr. Prickett pointed out that for each of the activities outlined in the report which is the collection of eggs, the hatching of eggs, when alligators or alligator skins are sold, the department is going to ask the farmers to report within ten days. A postcard system will be used and the farmers will just fill in the blanks



and mail back to the department at the conclusion of each transaction. This will assist in regulating the alligator farmers. The biggest changes are with regard to the release program. The cornerstone of the industry is that eggs are collected in the wild and when the hatchlings are raised some of the alligators have to be released back into the wild. The regulations currently do not specify how long a period of time a farmer has to release those alligators back into the wild. The amended rule now specifies that they have two years from the date of hatching to release the alligators back into the wild. Mr. Prickett advised that research was done by the department to determine the size of alligators that could be released back into the wild and the percentage of those alligators that would not adversely impact the wild population. This research specified varying percentages and sizes. In the regulations as they were originally adopted it was specified that seventeen percent of the hatchlings hatched from eggs collected in the wild should be released back into the wild when those alligators were a minimum of 48" in size. It is being recommended to the Commission that the minimum size be reduced to 36" at a correspondingly higher release percentage. The way this would be applied in the field is when the department employees go to an alligator farm to release alligators any alligator 36" and above will be brought out and measured. At the end of that period an average size of all of the alligators will be computed and by looking at the chart and whatever the average size specifies this is the percentage of alligators the farmer would be required to release back into the wild explained Mr. Prickett. Very few of the farmers can raise a 40" alligator in one growing season. This will permit them to live up to their contracts with the landowners at a more rapid date and would also facilitate the department conducting these releases.

Chairman Jenkins asked if these percentages come from the fact that these are the historic survival rates. Mr. Prickett stated that was correct.

Mr. Prickett continued and advised that the other aspect that the department is recommending be changed is the timing of the releases. The current regulations specify from April 15 to September 30 and the department would like to expand that period from March 15 to September 30 providing that environmental conditions are right for the releases. The majority of the eggs collected and the majority of the alligators released are in the south Louisiana marshes where by April 15th in a normal year the threat of freeze which would be detrimental to the young alligators has passed. Alligator releases would continue to be not allowed in north Louisiana on normal years because the danger of a freeze in the April 15th period would be pretty great. The last change is in the last part of the rule where it refers to the percentage of 48" alligators and the 48" will be removed if this is adopted and alligators over a broader scale will be released, between 36" and 60" advised Mr. Prickett.

Mr. Prickett pointed out that the percentages and sizes are spelled out on the egg collection contract that the farmer signs. This is a three way agreement between the department, landowner and the farmer. The way the permit would be worded, which is not reflected in the regulations, was "that farmers would be allowed to release alligators between 36" and 60" and that an average size will be computed and the percentage will be taken straight from the Taylor-Neal Research Project to compute the percentage of alligators they release back into the wild".

Mr. Jones asked if they were going to measure each alligator as they go for release. Mr. Prickett stated that was correct and predicted that the average size alligator that would be released would be between 39" and 42" and does not believe that there will be that many released right at the 36" mark.

Mr. McCall asked what would happen if a real massive hurricane hit the coast and upset a large area of the marsh from Texas to Morgan City area and the department was unable to release any alligators in that area(s) along the coast in a particular year. Would the department double up on the amount being released the following year? Mr. Prickett advised that this is what would have to be done, the farmers would not be releasing their obligation to turn those alligators back into the wild. If there was a hurricane getting ready to hit a particular area of the coast the department would not recommend releasing alligators at that period of time. Normally the effects, as far as alligators are concerned, from a hurricane would not be long termed. Hopefully there would still be time left in that release cycle to get those alligators released into that block of marsh stated Mr. Prickett.

Mr. Schneider stated that for his own information how and who monitors the number of eggs taken from the wild so it is known what percent of what number was taken. Mr. Prickett explained that surveys are flown in a helicopter to count nests and predict the number of alligators in each marsh type across the state. From this it is computed how many eggs are on a landowners property and permits are issued to collect a specified number of eggs. The landowners will watch very closely how many eggs are picked up off of their property and will not allow someone to pick up more eggs than are specified in the contract. At the end of the collection the farmer will have to report to the department within ten days how many eggs were collected. The department has the freedom to go the farm and check the eggs advised Mr. Prickett. Once the eggs hatch the farmer will have to notify the department how many eggs hatched so within ten days of the completion of the hatchling period the department will know how many hatchlings were hatched in that year.

Acting Secretary McInnis asked if the chart showing percentages which Mr. Prickett mentioned was attached to the rule. Mr. Prickett advised that it was not attached to the rule and shows up in the regulations only in the sense that is specified in the

regulations that a percentage as determined by the department will be released with a minimum size of 36". The chart and the varying scale of release percentages is spelled out in the egg collection contract which is a legally binding contract and is a three way agreement between the department, landowner and the farmer explained Mr. Prickett. Acting Secretary McInnis asked if there was further consideration for additional research on the survival rate of these different sizes. Mr. Prickett advised that the department has some research underway to determine the survival of the alligators that are released and LSU is shortly going to be conducting an additional research project looking into the survival of the alligators that are released.

Chairman Jenkins asked what was the biggest number on the chart, 48"? Mr. Prickett commented that the largest number on the chart is 60" and runs from 36" to 60" which is the size range of alligators that would be allowed to be release. At 36", 29.6 percent of the hatchlings would be released that were hatched from the eggs. At 38", 27.5 percent would be released. The percentage goes down as the alligators get larger. At 60", 9.8 percent would be released. This represents the number of alligators in the wild that would have survived to that size class.

Mr. Jones asked if there were any farmers that were landowners. Mr. Prickett answered yes. Mr. Jones asked about the farmers not possibly reporting how many eggs they have. Mr. Prickett advised that there would be no real advantage to the landowner to do this and these landowners want to protect their property. If they were to cheat, two things would happen. If the alligators are hatched out there is no way they can be sold and the only thing that can be done with them is to release them back into the wild. Additionally, if they were to cheat they would be harming their wild alligator population and eventually their egg productivity would go down with no eggs being collected.

Chairman Jenkins asked Mr. Prickett to read the "Therefore Be It Resolved" part of the resolution and then called for a motion to adopt the resolution on the declaration of emergency. A motion was made by Mr. McCall to adopt the resolution. The motion was seconded by Mr. Jones and passed unanimously.

(The full text of the resolution is  
made a part of the record)

#### Resolution

#### Louisiana Wildlife and Fisheries Commission

#### Alligator Regulations

WHEREAS, the Louisiana Department of Wildlife and Fisheries has the

authority under State and Federal statute to regulate the taking, possession, selling, raising and propagation of alligators statewide; and

WHEREAS, the Louisiana Wildlife and Fisheries Commission in exercising this authority realizes that amendments to the existing regulations based on sound biological evidence and regulatory prudence are necessary to maintain and protect the wild population of alligators and to regulate the newly evolving alligator farm industry;

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt the Declaration of Emergency which amends certain aspects of Alligator Regulations.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate these emergency regulations and the final rule, including but not limited to the filing of the Fiscal and Economical Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

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A. Kell McInnis III  
Acting Secretary

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Jimmy Jenkins  
Chairman

(The full text of the emergency declaration is made a part of the record)

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the Administrative Procedures Act, R.S. 49:953 (B), notice is hereby given that the Louisiana Wildlife and Fisheries Commission adopted and amended certain portions of the rule (LAC 76:V.701) pertaining to alligators, effective April 4, 1991.

The emergency adoption of the amendments are necessary to insure that the states wild alligator population is not adversely impacted and to insure that the regulations governing that population reflect the most up to date scientific and population monitoring information available. Failure to amend these regulations will result in delaying releases of farm raised alligators into the wild, provide the Department with less

information than necessary to monitor alligator farming activity, and may ultimately lead to reduced numbers of wild alligators in Louisiana.

A copy of the sections amended are noted below (additions underlined, deletions struck through). A complete copy of the Alligator Regulations with amendments can be viewed at the Louisiana Department of Wildlife and Fisheries, Fur and Refuge Division, 2000 Quail Drive, Baton Rouge, LA. 70898-9000.

## Chapter 7. Alligators

### Section 701. Alligator Regulations

#### K. Report Requirements.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

#### N. Alligator Egg Collection.

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area within a maximum time of two (2) years from date of hatching. Each alligator shall be a minimum of 48" 36" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between April 15 March 15 and September 15 September 30 of each calendar year provided that environmental conditions as determined by the Department are favorable for survival

of the released alligators. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of 48<sup>th</sup> alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

James H. Jenkins, Jr.  
Chairman

Chairman Jenkins called for a motion on the notice of intent. A motion was made by Mr. McCall for adoption of the notice of intent. A second was made by Mr. Vujnovich and passed unanimously.

(The full text of the notice of  
intent is made a part of the record)

#### NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

#### TITLE 76 WILDLIFE AND FISHERIES

#### PART V. WILD QUADRUPEDS AND WILD BIRDS

#### Chapter 7. Alligators

#### Section 701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby give notice of its intent to amend the rule governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

Specific sections of the rule to be amended (additions underlined, deletions struck through) are as follows:

K. Report Requirements.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as described in Title 56.

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period of the study. Violation of this part is a class 7A violation as described in Title 56.

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The Louisiana Wildlife and Fisheries Commission regular monthly meeting in June, July and August shall serve as public hearings for the proposed amendments to the rule at which time interested persons may submit oral and written comments relative to the proposed amendments until 4:30 p.m., August 30, 1991, to Tommy Prickett, Administrator, Fur and Refuge Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16:1070 (December, 1990), Amended L.R. 17: ( ,1991).

James H. Jenkins, Jr.  
Chairman

Notices of Intent on Netting Prohibition in Lake Bartholomew, False River Lake and Lake Concordia were presented by Dr. Jerry Clark. Dr. Clark advised that recently the bass plan was passed and in that plan there was talk about coming in after the plan and taking care of some of the difficulties that are in some of the lakes. The principle difficulty in the three lakes that are being brought before the Commission today is that two of the lakes are trophy lakes and one is a quality lake where the department is attempting to put some larger bass. On these three lakes it is currently legal to use gill nets, trammel nets and seines to harvest fish. These gears are very destructive to the fish and most of the game fish caught in this gear will die. Biological studies have been done in each of these lakes and the proportion of the population that would be considered commercial is relatively low in each of the three lakes except perhaps for catfish explained Dr. Clark. Catfish is not typically taken in Louisiana with these gear and are taken with other forms of gear. What the department has for the Commission today is to begin the process to remove these gear from these three lakes advised Dr. Clark. In all the other lakes that are currently quality lakes these gear have already been prohibited.



Chairman Jenkins asked if there were any questions from the Commission and the public. There being none Chairman Jenkins asked Dr. Clark to read the notice of intent on Lake Bartholomew. Dr. Clark read the notice. Chairman Jenkins called for a motion to adopt the notice of intent. Mr. McCall made a motion for adoption of the notice of intent on Lake Bartholomew. The motion was seconded by Mr. Vujnovich and passed unanimously.

(The full text of the notice of intent is made a part of the record)

Notice of Intent  
Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Title 76  
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

Section 155. Netting Prohibition - Bartholomew Lake

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of gill nets, trammel nets, hoop nets and fish seines in Bartholomew Lake located in Ouachita and Morehouse Parishes, Louisiana. Such action by the Commission has been requested by the Bayou DeSiard - Bayou Bartholomew Cut-off Loop Water Conservation Board who is the governing body for Bartholomew Lake; and, recommended by technical fisheries staff of the Louisiana Department of Wildlife and Fisheries.

Interested persons may submit written comments on the proposed rule to the following address before May 31, 1991: Bennie J. Fontenot, Jr., Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: ( , 1991).

James H. Jenkins, Jr.  
Chairman

Chairman Jenkins asked Dr. Clark to read the notice of intent on False River Lake and Lake Concordia. Dr. Clark read the notice. Chairman Jenkins called for a motion to adopt the notice of intent. Mr. Jones made a motion for adoption of the notice of intent on

False River Lake and Lake Concordia. The motion was seconded by Mr. Vujnovich and passed unanimously.

(The full text of the notice of intent is made a part of the record)

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic life

Chapter 1. Freshwater Sport and Commercial Fishing

Section 157. Netting Prohibition - False River Lake and Lake Concordia

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of gill nets, trammel nets and fish seines in False River lake located in Pointe Coupee' parish, and in Lake Concordia located in Concordia Parish, Louisiana. Said netting ban is recommended by the technical fisheries staff of the Louisiana Department of Wildlife and Fisheries.

Interested persons may submit written comments on the proposed rule to the following address before May 31, 1991: Bennie J. Fontenot, Jr., Administrator, Inland Fisheries Division, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA, 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: ( , 1991).

James H. Jenkins, Jr.  
Chairman

Dr. Jerry Clark gave an Update on the Status of Spotted Seatrout Commercial Quota. Dr. Clark handed out two documents. One was a resolution and one was a table of data. Dr. Clark advised that they were here today to talk about the closure of the commercial netting season for spotted seatrout and the date that it might take place. Historically and currently this year the means by which this has been done is the Commission and the department have looked at the data and make some prediction upon when the season would close. The Commission then passes a resolution giving the Secretary the authority to close on the predicted date on which the commercial quota will be met. Dr. Clark pointed out some

interesting information from the table of data on spotted seatrout landings for the years 1985-86 and 1986-87. These were two years in which there was no commercial quota. There tend to be relatively few fish caught in the fall and relatively more fish caught after the first of the year. What it means is that people did not rush out to start filling the quota and there is an economic issue involved stated Dr. Clark. The price of fish prior to Christmas tends to be usually a little low and after the first of the year it tends to pick up as you move towards Lent. This pattern of fishing was probably relatively good and made some market sense commented Dr. Clark. Starting in the first year of the quota 1987-88 that pattern persisted but in 1988-89 it starts loading up in the first part of the year. After this the data falls apart, the reason being the freeze. In 1988-89 it really begins to load up in September, October and November in ways never seen before and then you can observe what the impact of the freeze was for 1989-90 until a closure on May 6 advised Dr. Clark. The year 1990-91 started off slow and the department now has the most complete data today which is the February preliminary landings of 87,400 pounds. The bottom half of the table is just the cumulative totals by month for all the various years explained Dr. Clark and at the bottom you also have the date that it was closed and the quota (approximate amount that was actually landed). In 1987-88 the quota was 1 million pounds and the final tally for that year was sixty three thousand pounds in excess. In 1988-89 the quota was 1.25 million pounds with approximately the same overage. In 1989-90 the catch was slightly under the quota as far as the reported landings. Dr. Clark stated that to be fair to the management process, the management process has worked very well. Predicting what the landings are and then closing ahead of that date on a predicted number rather than an actual number is very difficult. There is some preliminary data for March but the closing date for reporting this data is not until the 10th of April.

Chairman Jenkins asked if the Commission or public had any questions. There being none Dr. Clark went on to present the resolution which gives the Secretary the authority to close once the staff makes a prediction on the date at which the quota would be met. Chairman Jenkins asked Dr. Clark to read the "Therefore Be It Resolved" part of the resolution. Dr. Clark concurred. Chairman Jenkins called for motion on the resolution. Mr. McCall made a motion for adoption of the resolution. The motion was seconded by Mr. Jones and passed unanimously.

(The full text of the resolution  
is made a part of the record)

#### RESOLUTION

Commercial Harvest of Spotted Seatrout  
Louisiana Wildlife and Fisheries Commission

WHEREAS, Act 889 of the 1988 regular Session of the Louisiana Legislature established a quota for the commercial harvest of spotted seatrout in Louisiana at 1.25 million pounds, and

WHEREAS, on September 3, 1987 the Wildlife and Fisheries Commission declared the commercial quota year for spotted seatrout to begin on September 1, 1987 and end on August 31, 1988 and on an annual basis thereafter, and

WHEREAS, the Commission is authorized to close finfish seasons using the emergency provisions of the Administrative Procedure Act, R.S. 49:967, and

WHEREAS, Act 889 directs the Commission to close the commercial spotted seatrout fishery when the quota is projected to be reached, and

WHEREAS, Department of Wildlife and Fisheries biologists, based on historical landings and cumulative commercial harvest to date, project that the spotted seatrout quota will be reached during the month of May 1991, and

WHEREAS, updated harvest figures could cause the Department of Wildlife and Fisheries biologists to revise their projection forward, now

THEREFORE BE IT RESOLVED, by the Louisiana Wildlife and Fisheries Commission that the Secretary of the Department of Wildlife and Fisheries is hereby authorized and directed to close the commercial fishery for spotted seatrout on the date the quota is projected to be reached as provided in R.S. 56:325.3, and

BE IT FURTHER RESOLVED, that notice to the public shall be given seventy-two hours prior to the effect of the closure, and

BE IT FURTHER RESOLVED, that the purchase, barter, trade, or sale of spotted seatrout taken from Louisiana waters after the closure is prohibited, and

BE IT FURTHER RESOLVED, that the commercial taking or landing of spotted seatrout in Louisiana, whether caught within or without the territorial waters of Louisiana, after the closure is prohibited, and

BE IT FURTHER RESOLVED, that no vessel possessing of fishing any seine, gill net, trammel net, or hoop net shall have a spotted seatrout aboard the vessel, whether caught within or without the waters of the state, and

BE IT FURTHER RESOLVED, that nothing shall prohibit the possession of fish legally taken prior to the closure.

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A. Kell McInnis III, Acting  
Secretary, LA Dept. Wildlife  
and Fisheries

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Jimmy Jenkins, Chairman  
Wildlife & Fisheries Comm.

Dr. Clark added that they are keeping their eyes on the spotted seatrout landings. The staff will have for the Commission, as soon as there is significant amounts of data in the nets, a report on the status of the spotted seatrout. There are some indications that this may be an early year and the department may possibly have something in May but as far as a status report probably not until June advised Dr. Clark.

A Notice of Intent Amending the Oyster Survey Section Rules was presented by Mr. Don Puckett. Mr. Puckett presented a brief presentation and a recommendation. The rule before the Commissioners arose out of the oyster lease moratorium which was set by the Commission in April 1978 and came about because of a backlog in surveying for oyster leases and the inability of the Survey Section at that time to keep up with the demand for surveying. What has been done since 1978 is on a periodic basis and there was a small window of time, usually one day, where people could come in and take applications. Nobody has been particularly crazy about the moratorium but it was considered the lesser of two evils at the time stated Mr. Puckett. This moratorium prevents the oyster lessee from coming in at any time and taking a lease. This has not been the best thing for the department and the most recent example was in the summer of 1987 when there was a very lengthy line on Royal Street which began forming in May for an August opening. The department is proposing to permanently lift the moratorium, the net result of which would be that any oyster lessee could come into the offices at any time during working hours to take applications for oyster leases. Mr. Puckett advised that part of this rule is a transitional rule. What has been established explained Mr. Puckett is in two parts. Section 500 is the transitional portion of the rule and it basically states that at a time, date, and place to be announced applications will be taken for oyster leases. At that time applications will be taken on a twenty-four hour a day basis until all applications are taken and until the line decreases to an extent where the applicants can be handled back at normal working hours at Royal Street. It is specifically stated in the rule to prevent the early line forming that occurred four years ago that this will not occur at Royal Street and the place will not be announced until approximately a week before the opening. The permanent changes are in Section 501 and most of them are of a technical or mechanical nature to deal with how leases will be taken in the future explained Mr. Puckett.

Concluding, Mr. Puckett asked Mr. Vujnovich if he wanted to make his recommendation.

Mr. Vujnovich advised that in 1978 so many people were in line that were not even in the oyster business but were there for one thing and that was to get a number so they could sell it. Mr. Vujnovich thanked Mr. Puckett for doing an excellent job and believes that this will make the line much less than before. Mr. Vujnovich recommended that in Section 501., first page, B.a. where it states "Where distances between oyster leases are 200 feet or less,...." be changed to "Where distances between oyster leases or between oyster leases and the shoreline are 200 feet or less....." and explained the reason for this is because the wash away is coming so fast this would protect the man who has four or five hundred acres up to the shoreline. Mr. Vujnovich advised that the industry came up with this recommendation and he was asking the Commission if they would accept this. Mr. Puckett advised that he had talked with the staff and there is are no objections to the change.

Chairman Jenkins asked if there were any questions or comments from the Commission. There being none he called for questions or comments from the audience.

Mr. Oliver G. Salinovich addressed the Commission and advised that every since the first lifting of the moratorium you could blame him for all of the problems that followed. Mr. Salinovich was the one, for the benefit of the youngsters who could not get leases at the time and with increasing pollution at that time prior to 1978, who pushed for this moratorium because natural growth areas were fast being closed for health reasons. The first moratorium was opened and was very successful because there were navigable waters, no boundary disputes with private landowners even though eighty percent of non-navigable waters were starting to produce oysters. Everything was fine until the second moratorium stated Mr. Salinovich and then as Mr. Vujnovich said the bonanza started and it was called speculation. Mr. Salinovich advised that today the Commission and department has just released what he has been asking for since August 1985 and this was the best thing they have done. Mr. Salinovich thanked the Commission.

Chairman Jenkins called for a motion on the two notices of intent and the change as recommended by Mr. Vujnovich. A motion was made by Mr. Vujnovich that the notices of intent with change be adopted. Mr. Foret seconded the motion and it passed unanimously.

(The full text of the notice of intent is made a part of the record)

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TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

Chapter 5. Oysters

Section 500. Lifting of Oyster Lease Moratorium

A. The moratorium for the taking of oyster lease applications established by the Wildlife and Fisheries Commission in April, 1978, will be permanently lifted. At that time applications for oyster leases will be accepted in accordance with all applicable statutes, rules and regulations and the procedures set out below. One week prior to the date that the moratorium is lifted, the date, time and place where applications are to be taken will be publicly advertised. For purposes of and only for purposes of this final lifting of the moratorium, the New Orleans Royal Street office will not be the site.

B. On the date for taking of applications only one applicant will be allowed in the office to take one application. The applicant will have fifteen minutes to designate the area he wishes to apply for.

C. Applications will be taken twenty-four hours a day (on a first come basis) until the department feels the influx of people can be handled at the regular office hours at the New Orleans Office, at which time anyone will be able to take an application.

D. After applicant pays the application and survey fees he may return to the end of the line for another application.

AUTHORITY NOTE: Promulgated in accordance with R.S.  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: ( , 1991).

James H. Jenkins, Jr.  
Chairman

(The full text of the notice of  
intent is made a part of the record)

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TITLE 76

## PART VII. FISH AND OTHER AQUATIC LIFE

### Chapter 5. Oysters

#### Section 501. Oyster Leases

##### A. Office Policies and Procedures

1. Office hours will be from 8 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.
2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

##### B. The taking of Oyster Lease Applications

1. There shall be a 50-foot buffer zone established between new leases. However, by mutual written consent of applicants of adjacent water bottoms the lease boundaries may be common.

a. Where distances between oyster leases or between oyster leases and the shoreline are 200 feet or less, no applications or leases shall be taken or issued except that the intervening space may be shared equally by the existing leases or applicants if properly applied for and leased in accordance with existing policies and practices.

b. No new application will be taken or lease issued whose length exceeds its narrowest width by more than a factor of three except as follows:

i. between existing leases where all available water bottoms are taken;

ii. in bayous (or similar configurations connections or cuts between bays, lakes and ponds, etc.) where all available water bottoms are taken with a subservient clause prohibiting an impedance of reasonable navigation;

~~iii. a lessee may at the time of renewal request to take up his lease plus existing shoreline erosion not to exceed 100 feet along any shoreline providing that it does not conflict with an existing lease or application.~~

~~iv. a lessee may once and only once during the life of a lease submit a revised survey by a private surveyor to take up existing erosion not to exceed 100 feet along any shoreline providing that it does not conflict with an existing lease or application.~~



c. Any application for an oyster lease may be contoured to follow the shoreline.

d. No application will be taken to incorporate an existing lease or leases plus additional acreage when less than three (3) years remain in the terms(s) of said lease or leases.

2. If an applicant does not keep his appointment with a surveyor his application will be cancelled. The applicant will be notified of action taken and be given an opportunity to reinstate the application with an additional payment of the survey fee within 14 days of the cancellation notice. When the department surveyor cannot keep his appointment all efforts will be made to notify the applicant;

3. a. If any survey of existing leases by the surveyor of the department shows an overlap, the department will abstract the leases involved and eliminate the overlap, giving the area to the longest continuously uninterrupted lease and shall notify the lessees of the action.

~~b. If any survey of an application for new areas shows an overlap of an existing lease and the applicant has not applied for restakes of the overlapped lease the application will be cancelled. The applicant will be notified of the action taken and be given any opportunity to reinstate the application with an additional payment of the survey fee within 14 days of the cancellation notice. An application cancelled for overlapping an existing lease will not be rescheduled until the restakes required to resolve the overlap have been applied for.~~

b. All surveys for new area will be computed at a fifty (50) foot offset from all existing leases. If applicant wishes to share common boundaries with the adjacent lease or leases, the applicant must submit to the survey section written consent from the adjacent lease owner or owners (even if lease or leases are in same name as the applicant) no later than Thursday prior to the week the work is scheduled.

4. All applicants must appear in this office to place applications for survey and lease, or provide power of attorney to agents to act in their behalf.

5. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1 of each year.

6. A fee of \$10 per lease will be charges for transfer of oyster lease.

7. A fee for all extra maps, leases, plats or documents, will be charged as follows:

All maps	-\$ 10 per copy
Plats	-\$ 5 per copy
Lease Documents	-\$ 5 per copy
Other materials	-\$ 1 per copy
Computations	-\$ 2 per point
(Lambert to Latitude/Longitude)	

## 8. Survey Application Fees

a. Survey application fees for new leases ~~after the moratorium is lifted~~ will be as follows:

Acres	Dollars
10 or less	\$200
11 - 20	\$250
21 - 200	\$ 3.50 additional for each acre after 20
201 - 1000	\$ 2.00 additional for each acre after 200

An additional survey fee of \$10 for each shotpoint in excess of six, excluding shore shorts, will be paid prior to approval of any lease.

b. Survey application fees on leases expiring by 15-year limitation are established as follows:

Acres	Dollars
10 or less	\$150
11 - 20	\$250
21 - 200	\$ 2.50 additional for each acre after 20
201 - 1000	\$ 1.50 additional for each acre after 200

An additional survey fee of \$10 for each shotpoint in excess of six, excluding shore shots.

c. Survey application fees for RESTAKES of one's own lease are established as follows:

\$25 per shotpoint

d. Survey application fees for RESTAKES of someone else's lease are established as follows:

\$90 for the first two shotpoints  
\$50 for each additional shotpoint thereafter

e. The Survey Section shall notify owner(s) of lease to be restaked.

~~9. If an oyster farmer knowingly has a private surveyor survey over an existing lease or application, that application is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one year period.~~

C. Private Surveyors Surveying Oyster leases for Oyster Farmer

1. All surveyors must appear in person in the office of the Survey Section of the Department of Wildlife and Fisheries to research information pertinent to their surveys.

2. Surveyor to be charged the basic rate for copies of documents needed.

3. All controls and corners of oyster surveys to be tied into the Louisiana State Plane Coordinates System.

4. All surveys must comply with R.S. 56:427B which requires the lease not to exceed the initial application by more than 10 percent compliance by negotiation with the applicant. If unacceptable application will be cancelled and all fees forfeited.

5. Surveyors to execute properly survey's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.

6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section With the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.

7. Surveyors to note in the original field notes any activity in or adjacent to or on surveyed area, or any existing structures, etc.

8. Survey plats to be drawn in black ink on forms furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same.

9. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.

10. Application number and ownership on all survey plats to be shown on original application.

11. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom and results noted on original field notes, along with tidal information.

12. Use standard signs and symbols.

~~13. The Louisiana Department of Wildlife and Fisheries Survey Section will provide all information needed to perform the survey.~~

13. If an oyster farmer knowingly has a private surveyor survey over an existing lease, application, or land area, that application or lease is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one (1) year period. [Formerly B.9.]

14. Noncompliance with ~~Subsection C. 1-12~~ above any requirement established by law or by these rules, after 30-day notification from the department by certified mail, shall result in cancellation of the application or lease and forfeiture of all fees to the department.

D. 1. Complaints in the field are to be handled in the following manner.

a. The oyster farmer should allow the survey to be completed in all situations. The surveyor has his instructions.

b. If the oyster farmer is dissatisfied with the survey after completed, he may register his complaint with the survey office within 14 days of date of survey.

c. Survey crew is to note that the oyster farmer will complete the survey under protest at time survey is being performed.

d. If the oyster farmer prevents survey from being completed in the field, his application will be cancelled. The oyster farmer has 14 days from postdate on letter notifying him of said cancellation to come into the office and pay survey fee and have application reinstated.

~~2. In an effort to comply with R.S. 56:425D, which allows the department to settle disputes and R.S. 56:427C requiring compact leases, and policy B-1, the department has the authority to grant applications to settle boundary disputes particularly as it is associated with shoreline erosion.~~

#### E. Oyster Lease Posting Requirements

In an effort to comply with R.S. 56:430, Paragraph B, and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements.

1. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the

property or area to be posted. These signs shall be written in the English language.

2. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to 12 feet above the water level.

3. At the main entrance to the property and at no less than all corners along the boundary of said property, the party seeking to post same shall include his name or initials in addition to the lease number.

4. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.

5. In open waters all signs are to be placed facing outward.

F. 1. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled.

2. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of applications. If the department has not been notified within 180 days the application will be cancelled and survey fees will be retained.

3. No application for lease shall be transferrable.

4. An applicant will be required to outline on a department map the area for which he wishes to apply. Pursuant to R.S. 56:427(A), each element of the verbal description written on the application must be met by the survey plat. Additionally, the survey plat must conform completely to the map outline, attached to and made a part of the application; provided, however, that deviations from the map outline (but not the verbal written description) are permitted when such a deviation would not encroach on a neighboring lease or application, or when the signed, written consent of the leaseholder or applicant whose lease or application would be affected, has been granted. In no case will an applicant survey outside of his verbal written description, except as provided in 5.a.ii. below.

5. a. In the event of department error which results in an application being taken in an area where there is a prior undisclosed application or lease which prevents the applicant from taking the full amount of acreage applied for in the area

described, the following procedure shall apply: the applicant shall have the option of

i. taking all available remaining acres within the originally described area in a lease and receiving a pro rata refund of unused survey application fees for any loss of acreage; or

ii. taking all applied-for acres in one lease outside of the originally described area but in the nearest unencumbered water bottom: or

iii. if neither of the above options is acceptable to the applicant, the applicant may have his original application cancelled and receive a full refund of the survey application fee.

b. The applicant shall have 30 days from the date of notification of the conflict to exercise the above options.

c. If the applicant exercises the option as set out in Paragraph 5.a.ii above he shall be held to the amount of acres in his original application plus 10 percent.

d. In all such cases, the department shall have final approval of all relocations.

e. Before having the relocation area surveyed, it shall be necessary for the applicant to submit a new application for the area of relocation. This application shall be identified as a "relocation" application and shall indicate the old application by number for which it is being substituted and shall also be approved in writing by the ~~chief of the Oyster Survey Section~~ Undersecretary and the chief surveyor of the department, and the chief of the division.

f. All relocations shall follow this procedure. No survey shall proceed until the properly completed relocation application has been submitted, accepted and approved. No survey is authorized without the above procedure being followed nor shall the department be responsible for the cost of any survey performed prior to final approval of the relocated application.

6. No application for a new area will be accepted from any person not of the full age of majority (18 years).

~~G. 1. Upon lifting of the moratorium, a date will be set for the taking of appointments to make applications.~~

~~2. Each appointment will be for a 30 minute period and will allow the applicant to make one application.~~

~~3. If all applicants have received appointments and there are still openings, an applicant may go to the end of the~~

~~line and make another appointment for one application. An applicant may continue to go to the end of the line and make appointments as long as applications are available.~~

~~4. In subsequent years the number of applications not surveyed by July 1 will be determined. This number will be subtracted from a base of 500 to determine the number of applicants to be accepted. On the first business day in August appointments will be taken and the rules in Paragraph G-3 and G-4 will apply.~~

H. Policy to comply with laws concerning default in payment of rent on oyster leases (Non-compliance R.S. 56:429)

1. On the first working day in February of each year, the Survey Section will compile a list of leases that are in default (R.S. 56:429). After compiling the list each owner will be notified by certified mail that his lease is in default and will be offered at public auction on the last Tuesday in March. He will also be notified that all works, improvements, betterments, and oysters on the leased area are the property of the state and that the Enforcement Division of the Louisiana Department of Wildlife and Fisheries has been so notified.

2. On the first working day following the last day of February all leases still in default will be advertised in a newspaper in the parish in which the lease is located. After the placement of the advertisement, advertisement cost will be added to the lease rent plus 10 percent. Up to and including the last second Monday in March, the leases may be reinstated by payment of the rent due plus 10 percent and the advertising cost if applicable.

3. On the last Tuesday in March the auction will be held at a place to be designated by the Louisiana Department of Wildlife and Fisheries. The auctioneer will be the chief of the ~~Seafood Division or whoever he wishes to designate~~ surveyor or his designee. The opening bid for each lease will be the rent due plus 10 percent and advertising cost. All sales must be paid for in cash or by certified check. The auction will start with the lowest numbered lease and continue numerically until complete.

4. Any leases not sold at auction will be removed from the Survey Section maps. The area will be open and may be taken by application ~~at the yearly opening~~.

I. Procedures to comply with R.S. 56:432.

1. The Survey Section will keep an indexing system to determine the acreage held by all oyster lease holders.

2. No application will be accepted that will cause an applicant to exceed a total of 1000 acres under lease and application. Reference R.S. 56:432.

3. No lease will be issued to an oyster lease holder that will cause his account to exceed 1000 acres underlease unless he qualified for additional acres by the ownership of oyster canning plants.

4. An oyster lease applicant will be given 30 days to reduce lease acreage prior to cancellation of any application that would cause his lease acreage to exceed 1000 acres. If the reduction is not made within 30 days the application will be cancelled and all fees retained by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:427.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 10:470 (June 1984), amended L.R. 12:844 (December 1986), amended L.R. 15:197 (March 1989), amended L.R. 17: \_\_\_\_\_ (\_\_\_\_\_, 1991).

James H. Jenkins, Jr.  
Chairman

Mr. Don Puckett continued and presented information and a resolution on the **Shell Dredging Lease Bid Package, Central Coast**. Mr. Puckett informed the Commission that at their request a review was undertaken of several portions of the lease and bid package on the central coast. Some of the changes being recommended are merely technical changes and there is a significant change concerning the tract description and area. Mr. Puckett explained that he would like to go through the whole package and then get into a discussion on the tract description that has been made.

Mr. Puckett's presentation basically consisted of four parts, the first being some changes that have been proposed which are included in the resolution before the Commission. The first was the tracts which was presented last. The second change was to authorize the Secretary to either waive the bid bond or a portion of the bid bond, or grant an extension of the twenty day time period in the case of a good faith bidder who has yet to receive all applicable and necessary permits. The third one is to require the bids to be binding for a period of sixty days. This would allow the Commission to go back and pick up a second highest bidder if for some reason the highest bidder could not qualify either for permits or other reasons. The last change ties into the fact that two tracts are being discussed instead of one. If the Commission decides to go with a division into two tracts this would allow bidders to submit bids on either or both tracts or to submit a bid on both tracts in globo which simply means one bid for the entirety of the two areas.



The second portion of Mr. Puckett's presentation concerns recommendations from the Council for the Mineral Board and DNR, which are one in the same. This matter will be going to the Mineral Board next week; however, their Staff Counsel has reviewed this and has made some changes advised Mr. Puckett. Mr. Puckett stated that he has reviewed the changes and has no real problem with them and was inclined to recommend them to the Commission. Most of the changes are of a technical nature. Some of the concerns have to do with including "his agencies" within the whole harmless clause on the lease. Another suggestion was to add the "off sight restoration" clause to the lease which is presently part of the Coastal Use Permit which is issued by DNR. The permit requirements are not known right now and it is not known if DNR is going to require new permits for this area when new leases are issued. If so, there is no guarantee that the off sight restoration clause would be included. The more prudent thing to do is to go ahead and include the off sight restoration in the lease identical to the one that is in the Coastal Use Permit with a provision that if it is maintained in the permit there would be no requirement for double payment advised Mr. Puckett. Another suggestion that was made, which is a standard part of all oil and gas leases, has to do with "no warranty of title" and Mr. Puckett is inclined to recommend that this be included. Mr. Puckett pointed out a technical change on page 9 which presently states that "Location of the dredge shall be recorded on an hourly basis in Loran-C coordinates" and inserted the words "at a minimum," after "shall," should DNR required more frequent movement. Another change on page 15 concerns the performance bond which may give a little more protection advised Mr. Puckett. The third portion of the presentation was a generic recommendation which was the last paragraph of the resolution. This would authorize the Chairman to make such lease as may be requested by the Mineral Board and any changes to the lease and bid documents that may be necessary. Mr. Puckett stated that he thinks this is a requirement that is becoming increasingly necessary to keep from having to come back to the Commission every time there is a change in the documents. If the Chairman felt like it was such a big change and needed to bring it back to the Commission he could do so advised Mr. Puckett.

Mr. Puckett proceeded to address the property description and used maps to illustrate the old and new boundaries. What is being proposed is to come into the area of the West Atchafalaya Bay and take out a portion that represents the new merging delta, the Wax Lake outlet and Atchafalaya River, plus a bumper zone around each one to allow for future growth. The second thing would be a deletion of the Terrebonne Coastal area that presently shows up as Section 9 on the old map. After pointing out another area Mr. Puckett stated that these are the areas, Tract A and B that are presently being proposed to the Commission and the acreage on these two tracts are approximately 49,552 acres and approximately 66,442 acres. Concluding his presentation Mr. Puckett asked if any of the Commissioner had any questions.

Chairman Jenkins called for questions from the Commission. Mr. Vujnovich asked if there were any oyster leases in that area. Mr. Puckett stated that just from his general knowledge there were leases taken near Marsh Island and asked if anyone else could address this. Chairman Jenkins advised that if there are leases in that area they would have to be avoided because they would be above the mud line and would be excluded. Mr. Vujnovich then asked if the erosion problem would be affected in any way and are they close to the shoreline. Mr. Puckett advised that he could not address the question on erosion but there was a fifteen hundred foot boundary around the shoreline in one place and pointed out on the map that the Pointe-au-Fer reef and any land mass or any waterbottoms within the hatched out area would be off limits for dredging because it is part of the Attorney General's line. Chairman Jenkins advised that this area has been leased for decades and the area being recommended for lease is a lot smaller than it has been in the past.

Chairman Jenkins asked if anyone in the audience had any questions. Mr. Alfred Hitter representing SAVE OUR COAST addressed the Commission. Mr. Hitter advised that they were just notified about the changes yesterday afternoon by Mr. Puckett. Mr. Hitter had attended the Minerals Committee meeting at which time they were presented the proposed lease and they did not have any problems. However, now that these terms and conditions of the lease are being changed they are primarily concerned about the area being enlarged. The area in Atchafalaya Delta that is being given up has already been dredged and all the shell has already been taken. Mr. Hitter pointed out that as the Commissioners know there is the consent agreement with Judge Katz's court about not expanding outside the area of the present leases and as Mr. Puckett told him this morning there is wording that the area can be expanded if it has been permitted. On such short notice Mr. Hitter was not able to put together anything to research this and he would like the Commission to withhold considering the resolution until SAVE OUR COAST has had a chance to receive the changes that are being proposed and an intelligent statement can be made to the Commission. Mr. Hitter advised that in answer to Mr. Vujnovich's question there are oyster leases in that area and also the Attorney General's reefs being discussed have also been dredged and are gone. The dredging in the area is contributing to coastal erosion added Mr. Hitter.

Ms. Susan Clay, attorney representing DRAVO Basic Materials Company, addressed the Commission. Ms. Clay echoed Mr. Hitter's concerns about the fact that there are some significant and substantial changes in the proposed tracts from last time and DRAVO would like to ask for additional time to evaluate the matter and submit comments to the Commission on the area. There are some questions about the reason for two tracts instead of one advised Ms. Clay. The bid package, as it was drafted and submitted last time, apparently indicated that the Commission wanted people to bid on the entire tract although bids on portions of the tract would

alright. There are some concerns as some of the permits permit only two dredges to operate in East Cote Blanche Bay. When this permit was issued it was actually issued jointly to DRAVO and Lake Charles Dredging and Towing. The permit says that there can only be a total of two dredges operating in East Cote Blanche Bay advised Ms. Clay. When one permittee starts up operations with a dredge then the other permittee who has been operating has to shut down one of his dredges in order to allow the other company to start up. A lot of confusion could arise out of this and this provision which is in the permit has a term lasting until 1997 explained Ms. Clay. Ms. Clay referred to what Mr. Hitter had to say about the consent judgment and read from a copy of the judgment. The judgment says "It is further ordered, adjudged and decreed that any new leases of waterbottoms for shell dredging issued by the Department of Wildlife and Fisheries shall be limited to areas presently under shell dredging lease or permit". As Mr. Puckett has pointed out that in the past, Zone 8 east of the longitude line 91.37 and all of Zone 9, which is the part the resolution proposes to be eliminated, are under lease and would be covered. These areas could be included in the present lease without violating the consent judgment and the same thing is true in the additional area of East Cote Blanche Bay except that this area, instead of being under lease, is under permit at this point advised Ms. Clay. The Corps of Engineers' permits cover all of East Cote Blanche Bay and this area can be included in the proposed leases without violating the consent judgment. Ms. Clay stated that she does not think the consent judgment enters into the picture at all and believes that Mr. Puckett could verify this. Ms. Clay pointed out, with respect to eliminating all of Zone 9, that presently DRAVO has an application permit before the Corps of Engineers for a modification of one of their permits. An EIS is being prepared on the area and covers all of Zone 8 east of the longitude 91.37 and a small portion of Zone 9 up to longitude line 91.20 which comes off of Pointe-au-Fer. If you back up the eastern most boundary of the area the present EIS is covering, you can eliminate all of Terrebonne Parish without eliminating all of Zone 9, and this is what they are trying to say stated Ms. Clay. Additionally, there is no permit for the rest of Zone 9 and no EIS is being prepared on the area. What DRAVO would like to see is for the department to keep it options opened to include Zone 9 in the lease; but by including all of Zone 9 in the proposed lease DRAVO would not be able to move into the area and begin to operate before such time as they apply to the Corps of Engineers and the Department of Natural Resources for permits; also an EIS would have to be done on this area. An EIS is a very lengthy process taking anywhere from eighteen months to two years and if the area is included in the lease the option would be left open for DRAVO to apply for a permit. The considerations of the environmentalists and the residents of Terrebonne Parish would have to be considered by the Corps of Engineers and DNR before any permits would be issued for the area. This could be included in the lease but it will not authorize DRAVO to move in and start operating advised Ms.

Clay. Concluding, Ms. Clay stated in an effort to maximize to the state the revenues from harvesting this resource and to keep business options opened, not only for DRAVO but any other company interested in bidding, they are asking that perhaps the Commission reconsider the elimination of Zone 9 and also asking the Commission not to take action on the resolution today so that DRAVO can take a look at this and some substantive comments can be made.

Mr. William Kass, President of the Louisiana Oyster Dealers and Growers Association, addressed the Commission. Mr. Kass stated that one of the biggest problems in their industry is coastal erosion which is tearing the industry up. Mr. Kass asked the Commission to examine the lease closely and if they allow any of the coastal natural reefs to be removed they would be accelerating the erosion in this state. As you eliminate these reefs you have no natural barriers and the state is spending million of dollars now trying to construct barrier islands stated Mr. Kass. Concluding, Mr. Kass commented that this may be a way of not having a revenue coming in but it would save you a lot of money in the end.

Mr. Daniel Blanchard, commercial fisherman, addressed the Commission. Mr. Blanchard informed the Commissioners that he worked the areas that are being discussed and a valuable area was destroyed for shrimp. At one time you could not pass through the areas and now you have nine, ten feet of water. Terrebonne Parish is spending over a hundred million dollars for hurricane protection and if you keep on letting the reef companies eat up the barriers there is not going to be anything left in the state commented Mr. Blanchard. The most important part is that the dredging will destroy the shrimp in that area concluded Mr. Blanchard.

Ms. Susan Clay advised that just to respond to the concerns of the gentlemen, with regard to coastal erosion and the shrimping industry, there is no dredging going on at Terrebonne Parish and the coastal erosion problems in Terrebonne cannot be laid at the feet of the shell dredging companies at this point. More importantly, again, the Corps of Engineers has engaged in the lengthy process of preparing an EIS on the area that is being discussed and obviously coastal erosion is a major environmental concern in this state and will be dealt with pointed out Ms. Clay. Comments will be taken from all the public and interested parties with respect to this issue. Concluding, Ms. Clay stated that again she would respectfully suggest that perhaps they should await the outcome of the EIS and see what the experts have to say in terms of the impact of shell dredging on coastal erosion. The current coastal use permits issued by DNR and the current Corps of Engineers' permits contain very many restrictions and conditions that do not allow dredging in many environmentally sensitive areas. If dredging was to be allowed in Zones 8 and 9 the same restrictions and conditions can be imposed. It may well be that the Corps will decide that there are areas of Zones 8 and 9 where

the resource can actually be harvested without doing any undue environmental damage. Restrictions and conditions obviously will be imposed as they have been in the past and DRAVO suggests that this is the way to address the concerns and issues commented Ms. Clay.

Mr. Pete Franklin, DRAVO Basic Materials Company, addressed the Commission. Mr. Franklin stated that as Ms. Clay, their attorney, pointed out they have applied for a permit that extends over to 91.20 and the selection of that line was based on information through the years that was brought out by various state and federal agencies. This is why this particular line was selected and DRAVO did not try to go any further east because that is where concerns have been advised Mr. Franklin. There may be areas in there that the state could take advantage of the resource and it may be of benefit to the state to at least keep an option opened. Since this line was based on information that DRAVO had, it was felt like this would not be objectional to many of the state and federal agencies through conversations held in the past concluded Mr. Franklin.

Mr. McCall asked if Zone 8 had been dredged before. Mr. Franklin stated that he was not aware of this, maybe years ago before a lot of restrictions and believes all the work was done on the inside prior to that through the years. Mr. McCall stated then Mr. Franklin was not sure if it has ever been dredged before. Mr. Franklin commented that there was dredging in the general area but could not say that there had been dredging in Zone 8. Chairman Jenkins advised that it has been leased before but it has never been dredged. Mr. Franklin added that he thinks portions of the general vicinity were dredged through the years but it depends on what part you are talking about and pointed out on the map the portion they were discussing. Mr. McCall asked if the area north of where Mr. Franklin was pointing had been dredged. Mr. Franklin answered yes, there has been dredging through the years a long time ago but not recently.

Chairman Jenkins asked if there was anyone else who wished to comment. There being none, Chairman Jenkins made a couple of comments. To answer the question about the two tracts instead of one Chairman Jenkins explained that there were some interested parties that felt like they were unable to put a bid in on the whole tract but could bid on a smaller tract. In an effort to try to give a number of people an opportunity it was thought to be appropriate if it was broken into two tracts. A bid can be made on either tract or both tracts and it will be decided which bid would be the best for the state commented Chairman Jenkins. As far as SAVE OUR COAST concerns about the area being enlarged Chairman Jenkins advised that the area has been reduced considerably and has not been enlarged. The whole building delta area has been taken out, also all of Zone 9 has been taken out and the only area that has been added is that area in the western section which is added to the west and was added in order to try to make the two tracts

comparable in size for bid purposes explained Chairman Jenkins. Chairman Jenkins stated that he understands the concerns about the changes and that Mr. Puckett, legal counsel, has advised that this has got to stay on track to get it done in a timely matter. Chairman Jenkins at this point suggested that the Commission consider a motion to let the Minerals Committee consider these changes that are causing concern, whatever they may be, within the next couple of weeks unless the Commission as a whole would like to have a special meeting. This has got to be kept in motion so that the deadline on the bid dates will be met advised Chairman Jenkins and called for the pleasure of the Commission.

Mr. Foret stated that he understands they still have a lot of seed oyster in the area and asked where in that area does the state have the oyster leases where people harvest the seed oyster. Mr. Louis Schilling with the Survey Section addressed the question and explained that there is a line that is between Pointe-au-Fer and south point on Marsh Island. Mr. Foret asked if the dredging will be in that area. Mr. Schilling stated that he did not know. Chairman Jenkins asked if a seed oyster was above the mud line. The answer being yes, Chairman Jenkins advised that it will not be dredged and explained that dredging cannot occur above the mud line anywhere, so if there is a reef of any sort above the mud line it cannot be dredged. This is the way it has always been since he has been on the Commission added Chairman Jenkins but years ago those reefs were dredged but not in recent history.

Mr. Phil Bowman addressed the Commission and advised that there are two specific areas in the large geographical area that have been designated by the Commission as public oyster seed area. Mr. Bowman pointed out on the map the two areas. One of the area extends from Pointe-au-Fer on the western end of Pointe-au-Fer Island to south point on Marsh Island and out to the extent of the Louisiana territorial jurisdiction. In addition to this area all the areas of Vermilion, East and West Cote Blanche Bays and parts of the Atchafalaya Bay have also been designated by the Commission as a public oyster seed areas. Mr. Bowman pointed these area out on the map and explained where the lines extended. These areas are currently in Title 76, rule, as public oyster seed areas. Mr. Foret asked Mr. Bowman if the dredging would interfere with the oyster reefs. Mr. Bowman answered he was not going to comment on the specific rules as it affects the shell dredging because he is not familiar with them and deferred the question to someone who was more familiar with the rules. Mr. Puckett advised that there is a general restriction on any area that prohibits dredging of what they call sub-acreage reef which would be a reef above the mud line. If a reef is hit that is above the mud line they would be prohibited to dredge. Mr. McCall stated that if they hit it they have already dredged it. Mr. Puckett advised that the idea is if they approach that reef they are suppose to stop before they dredge it. Mr. McCall asked how far do you have to stay away from the reef. Mr. Pete Franklin with DRAVO answered the question and

advised that you have to stay a thousand feet away from any exposed oyster reef. There are survey boats that help position the dredges and Mr. Franklin assured the Commission that DRAVO is only dredging materials that are covered by mud and are not going to jeopardize their investment, permits, etc. to violate this permit. These reefs are protected in the permits and are not in danger of being dredged by DRAVO advised Mr. Franklin. Mr. Schneider asked if there has been any violation of these permits in the last five or ten years that Mr. Franklin is aware of. Mr. Franklin advised no, and explained that maybe five or six years ago there was a question about a boundary and where the shoreline was and the operation was suppose to be a half of mile away, low water or high water was addressed because it was not clear in the permit. There was no fine levied, just questions, but there has been none, absolutely none state Mr. Franklin. Mr. Foret stated that five or ten years ago you still had a bunch of reefs that were sticking out of the water, low tide would hit them, now they are gone and asked what happened to them. Mr. Franklin advised that they have not dredged them and there are records where they have dredged. Chairman Jenkins asked where the reefs were. Mr. Foret stated in the same area they are talking about now.

Chairman Jenkins asked if there were any more comments. There being none he asked what was the pleasure of the Commission. Mr. Vujnovich asked about the special meeting that Chairman Jenkins had referred to earlier. Chairman Jenkins explained that this could be done with the Commission or the Minerals Committee. Mr. Vujnovich pointed out that the reason he brought this up was because he has never been in that area but two years ago that was the only oysters in the State of Louisiana. Mr. Vujnovich advised that he could not vote yes or no on this as of right now.

Mr. Jones made a motion that the Commission authorize the Minerals Committee to make changes to the lease as may be requested by the Minerals Board and additionally to make changes to the lease and bid documents as may be necessary down the line to help expedite this and continue with the dialogue. Chairman Jenkins called for a second on the motion. Mr. McCall seconded the motion. Chairman Jenkins called for a vote on the motion. Those voting for the motion was Mr. Jones, Mr. Schneider, Mr. McCall with Mr. Vujnovich and Mr. Foret abstaining. The motion carried.

Mr. Paul Jackson presented the Resolution and the Rules for Free Recreational Fishing Days for Ratification. Mr. Jackson presented the resolution and rules for ratification of free recreational fishing days in Louisiana that will coincide with National Fishing Week in June. Mr. Jackson explained that the notices of intent were brought to the Commissioners in December which declared the weekend of the first full week in June as free recreational fishing days for both saltwater and freshwater fishing. The rules have now gone through the Administrative Procedure Act and are now before the Commission to be ratified through the resolution. Chairman

Jenkins asked Mr. Jackson to read the "Now Therefore Be It Resolved" part of the resolution. Mr. Jackson concurred. Chairman Jenkins asked if this was just for this year. Mr. Jackson explained that this has been changed to a permanent rule so they would not to come before the Commission every year but this could be changed if needed. Mr. Jackson advised that Mr. Jones had suggested and would like to try and have the dates where they coincided with the expiration of licenses. Mr. Jackson stated that he would like to keep it the way it is where it will be nationally recognized along with thirty something other states that recognize this weekend as free fishing days. A motion was made by Mr. Schneider that they adopt the resolution ratifying the rules on free recreational fishing days for saltwater and freshwater. The motion was seconded by Mr. Vujnovich and passed unanimously.

(The full text of the resolution is  
made a part of the record)

#### RESOLUTION

##### DEPARTMENT OF WILDLIFE AND FISHERIES WILDLIFE AND FISHERIES COMMISSION

- WHEREAS, sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and
- WHEREAS, sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contribute significantly to the preservation and protection of our natural environment, and
- WHEREAS, the estimated 800,000 plus sportfishermen in Louisiana contribute in excess of one billion dollars annually to our economy, and
- WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and
- WHEREAS, free fishing days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.
- NOW THEREFORE BE IT RESOLVED, that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially adopt this resolution and attached rules for freshwater and saltwater fishery declaring the weekend of the first full week of June each year as Free Recreational Fishing Days in the State of Louisiana,



BE IT FURTHER RESOLVED, that during these two days residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of the any otherwise necessary recreational fishing license.

James A. Jenkins, Chairman  
Norman F. McCall, Vice Chairman  
Warren I. Pol

Bert Jones  
Pete Vujnovich  
Houston Foret

Jeff Schneider

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James A. Jenkins  
Chairman

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A. Kell McInnis III  
Acting Secretary

(The full text of the rule is made  
a part of the record)

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

Part. VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

Section 151. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana legislature, the Louisiana Wildlife and Fisheries Commission has declared the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.7.  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (April, 1991).

Jimmy Jenkins  
Chairman

(The full text of the rule is made  
a part of the record)

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section 339 Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, the Louisiana Wildlife and Fisheries Commission has declared the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

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Jimmy Jenkins  
Chairman

Colonel Winton Vidrine gave the Monthly Law Enforcement Report for March. The following number of citations were made in each region.

Region I - Minden - 124 citations. Two buffalo fish were confiscated, 2 crappies, 16 bass, 1 forty yard gill net and a 500 foot leaded gill net.

Region II - Monroe - 117 citations. No confiscations.

Region III - Alexandria - 156 citations. A hoop net, 25 white bass, 1 seven foot, two inch alligator skin, and 7 pounds of grass shrimp were confiscated.

Region IV - Ferriday - 156 citations. Thirty two hoop nets with leads, 200 yards of webbing, 38 white perch, 11 bream, and 6 bar fish were confiscated.

Region V - Lake Charles - 283 citations. Four rabbits, 800 pounds of crabs, 2 red snappers, 21 bass, 400 feet of gill net, 407 sacks of oysters and 2 hoop nets were confiscated

Region VI - Opelousas - 167 citations. Seventeen largemouth bass, 6 gill nets, 17 channel catfish, 43 blue catfish, 4 squirrels, 1 set brass knuckles, 2 turkeys, 74 catfish and 58 yellow bass were confiscated.

Region VII - Baton Rouge - 178 citations. Fourteen citations for hunting turkeys over a baited area. Seven shotguns, 1 cast net and 4 turkeys were confiscated.

Region VIII - New Orleans - 195 citations. Confiscated were a number of gill nets, fish, crabs, etc.

Region IX - Gray - 330 citations. Confiscated were a deer, crabs, oysters, red drum, black drum, seatrout, 3 boats, outboard motor, and a couple of alligators tails.

SWEP, offshore boats, had a total of 11 citations. Three for trawling in closed seasons and confiscated 287 pounds of shrimp, 40 baskets of crabs which was a total of 1,600 pounds (the crabs were returned back to the waters).

The Oyster Strike Force issued a total of 50 citations and confiscated 60 sacks of oysters, 3 boats, 2 dredges, 1 tongue and 1 gun.

Statewide there was a total of 1,640 cases for the month of March advised Colonel Vidrine and asked if there were any questions on the case report.

Chairman Jenkins asked about the six turkey that were confiscated and if Colonel Vidrine recalled what the Civil Penalty was for a turkey. After a short discussion it was decided that the Civil Penalty was around seven hundred dollars. Chairman Jenkins asked if the Civil Penalties were being collected and where the program was at this stage concerning dollars. Colonel Vidrine advised that he thought Ms. Baker keeps track of the dollars coming in. Acting Secretary McInnis stated that yesterday he spoke with Ms. Wynnette Kees in the Fiscal Section of the Fiscal Office and she brought Acting Secretary McInnis up to date as best as she could on the status of the program. Acting Secretary McInnis advised that he asked Ms. Kees to go through and spend some time to identify where the department was, otherwise what type of cases had been collected and where the department stood with some of the larger cases and asked her to give him a report on this. This will take some work to put together and the staff person that has been authorized for the position has not been hired as of yet. Chairman Jenkins asked if they could get it for the next meeting. Acting Secretary

McInnis stated that he would hope to have it ready for the next meeting.

Mr. McCall asked why the 407 sacks of oysters in Region V were confiscated and what was done with the oysters. Colonel Vidrine answer he believed it was an unapproved area and the department trys to put them back into the water.

Mr. Schneider asked about the fishing without a license cases and if they are convicted are they required to buy a license. Colonel Vidrine answered no, only to pay the fine but normally what they do is that they will buy a license, go to court and show the judge that they bought a license to try and get some leniency out of the courts.

Chairman Jenkins asked about the DWI and if it was in a land vehicle. Colonel Vidrine stated yes and believes it was on a night hunting case where they had to give chase.

Concluding, Colonel Vidrine advised that the new Law Enforcement Academy has started and there are eleven new cadets who will be attending school for eighteen weeks.

The Acting Secretary's Report was given by Mr. A. Kell McInnis III. Acting Secretary McInnis reported that the proposed rule for the filleting of the freshwater game fish did not met success in the Oversight Committee and a number of concerns that they had were pointed out. These concerns were not new to the department and the situation will be monitored with the changes in the bass plan and the department will try to come up with something that is acceptable and enforceable. The bass plan went into effect this past Monday and signs (posters) have been put out on all the lakes that are affected. Permanent signs will be following this up.

The Gulf Council met to review, again, the red snapper issue. The commercial quota was left at two million pounds for the year but based on advice from legal counsel and the calculation process for allocation of the recreational harvest it was returned to the number seven for the recreational fisherman.

A contract was entered into last month with K.C.M. and another professional engineering consultant firm from Louisiana on the hatchery. They were at the department yesterday and Acting Secretary McInnis met with them briefly. They are now on the road today evaluating the sites that were identified and the department hopes to have the information back from them in the next week to ten days as to the site that they identify for the hatchery.

Chairman Jenkins and Mr. Blue Watson represented the department at the Board of Supervisors meeting at LSU last month. The surrounding acreage (33 acres) at the headquarters building in Baton Rouge will be transferred by lease to the Department of

Wildlife and Fisheries for a ten year period with an option to renew based on what the department has been able to accomplish and what the needs of the land are to other agencies at that time.

Several of the staff have been working with International and in conjunction with this at the North American meeting this past month one major thing that came out was the Migratory Bird Survey Pilot Program which will eventually be a massive program. The program will start off in the pilot stage with at least two states in each flyway participating. At this point Louisiana has agreed to take a look and try to participate in the pilot study to get a grip on exactly who is out there hunting migratory birds and gather the statistical data that is needed to make sure that we keep those seasons opened advised Acting Secretary McInnis. This will take not only the Game Division but the Enforcement Division and the License Section working together to make this a viable program.

There are a couple of upcoming meetings next week. The Shrimp Association will be meeting in Alabama and Acting Secretary McInnis will be addressing them on some of the shrimp issues. The Outdoor Writers will be meeting next week at Lake Chicot and Dr. Clark and Acting Secretary McInnis plan on attending to address some of the issues that they have on their agenda. The Gulf States Commission meeting will be held in Texas and Louisiana has a number of people that participate in it both on technical and scientific committees.

Legislatively, the department has not been real active with the particular special session now going on. It is hoped that general funds are generated out of the special session so that the general funds that have been allotted to the Department of Wildlife and Fisheries will remain intact. Also the oil spill bill which Acting Secretary McInnis and others from the department have spent a great deal of time working on is moving very well and the department is pleased with the efforts that have been made with this to date. All of the authors have been lined up, with maybe one or two exception, for the department's legislative package and the only thing that is considered major is the recodification that Mr. Puckett is working on. This will not change a whole lot but will simply clarify the problems that we have advised Acting Secretary McInnis. It is hoped the package will meet with the approval of the legislature. In monitoring the bills in the last week or so there are some bills that have been introduced by other authors outside of the department that look very familiar and have not been successful in the past. The department will address these bill and monitor their progress. If there are problems with the bills the department will express those problems so that they do not get any farther along than they need to go. One new bill that the department has thought about is a lifetime license and the department working with the License Section along with Representative Theriot, who has introduced the bill, to make sure, should it be successful, that it is beneficial for the department and does not create problems.

Last year in the session Representative Roach introduced a bill for Auxiliary Agents and criteria was set forth in order to make this a viable criteria. The Enforcement Division has worked hard and has looked at the California program, Florida program and others to come up with what they feel will be something that will be beneficial to the department. This is rather restrictive but in order to have people out in the field doing the type of work that the agents are doing it needs to be restrictive stated Acting Secretary McInnis. Copies of this program will be presented to the Commission shortly.

Upon conclusion of Acting Secretary's McInnis' report Chairman Jenkins went on to the next agenda item.

The July Commission Meeting Date was set at Thursday's meeting. Chairman Jenkins advised that he would like to review the date for the May meeting which is May 2nd. This meeting will start at 9 a.m. in New Orleans with the hearing on the shrimp season. The June meeting will be on June 6th. There is a problem with the July meeting with the first Thursday being July 4th which is a holiday and the following Thursday, July 11th creates a problem with the Administrative Procedure Act. Chairman Jenkins asked if the Commissioners had any suggestions for the July meeting date. After a short discussion it was decided that Tuesday, July 9th be the meeting date for the July Commission meeting in Baton Rouge at 10 a.m.

Chairman Jenkins called for Public Comments. Acting Secretary McInnis advised that he had a couple of things. The Natural Heritage people have been very busy and just recently members of the department's staff, Gary Lester and Richard Martin, had published a book on "Atlas and Census of the Wading Bird and Seabird Nesting Colonies in Louisiana". If any members of the Commission are interested in obtaining a copy the department can make it available to them. Also, there has been a registry from the Louisiana Land Exploration Corporation giving the department 12,358 acres of land. Acting Secretary McInnis pointed out that when he says "give" the land was registered as being available with the Natural Heritage Section to protect the various bird sites that are there.

The EPA Administrator, Mr. William Reilly, will be in New Orleans addressing the Garden Clubs at the American National Conservation Meeting. The EPA has accepted the Barataria-Terrebonne Estuary Complex Program and will be viewing this. The department is excited that the program has been accepted and Mr. Reilly will be looking at it advised Acting Secretary McInnis.

Mr. Daniel Blanchard, commercial fisherman, addressed the Commission. Mr. Blanchard asked when the three mile limit was going to be opened again for shrimp from Caillou Bay to the west. Mr. Bowman advised that relative to the last section of the

territorial seas in Louisiana that still remain closed to shrimping the department is continuing to monitor shrimp populations in those areas and the staff is not ready to make a recommendation, at this time, that it be opened. The season will remain closed until further notice and could be brought up at the next Commission meeting advised Mr. Bowman. Mr. Foret asked Mr. Bowman if he felt it would not open on the second of May. Mr. Bowman stated that it was difficult to say right now. He has talked to the department personnel over in the area and there is a population of shrimp particularly in the western two thirds of the closed area that are about 130 count. There is only about ten percent of the shrimp in that area right now that are hundred count and larger. The water temperatures were doing good until the cool front this past weekend which dropped the water temperatures in the area. Also, there is still some cool water discharge out of the Atchafalaya River which is retarding the water temperatures from about Pointe-au-Fer Island west. Once you get east of this the majority of the shrimp have moved inshore and the shrimp populations are very low at this time advised Mr. Bowman. Mr. Foret stated that in about another ten, twelve days from now the shrimp that are inside are going to start migrating back out. Mr. Bowman stated that they will look at them at that time as they do every week and if they are larger than a hundred count a recommendation will be given to Acting Secretary McInnis that the season be opened. Mr. Foret commented that you will also have some brown shrimp that will move into that area before May 2. Mr. Bowman stated that they were quite aware of this as this is an annual occurrence. Mr. Foret advised that if it goes any further than April 15th he thinks they will run into problems and thinks it should be opened by April 15th.

Mr. Daniel Blanchard advised that he had a letter to present to Chairman Jenkins from the Organization of Louisiana Fishermen. They are concerned about the delay in the public access report on the Louisiana redfish and trout stock assessments. Mr. Blanchard gave the letter to Chairman Jenkins.

There being no other business or public comments for the April 4, 1991, Commission meeting Chairman Jenkins called for a motion for Adjournment. A motion was made by Mr. Schneider and seconded by Mr. Vujnovich for adjournment of the April Commission meeting. The motion passed unanimously.

*A. Kell McInnis III*

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A. Kell McInnis III  
Acting Secretary

AKM:sb

## Resolution

### Louisiana Wildlife and Fisheries Commission


#### Alligator Regulations

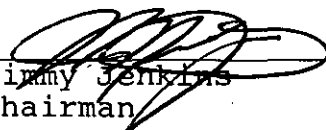
WHEREAS, the Louisiana Department of Wildlife and Fisheries has the authority under State and Federal statute to regulate the taking, possession, selling, raising and propagation of alligators statewide; and

WHEREAS, the Louisiana Wildlife and Fisheries Commission in exercising this authority realizes that amendments to the existing regulations based on sound biological evidence and regulatory prudence are necessary to maintain and protect the wild population of alligators and to regulate the newly evolving alligator farm industry;

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt the Declaration of Emergency which amends certain aspects of Alligator Regulations.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate these emergency regulations and the final rule, including but not limited to the filing of the Fiscal and Economical Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

  
A. Kell McInnis III  
Acting Secretary

  
Jimmy Jenkins  
Chairman



RESOLUTION

DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

WHEREAS, sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

WHEREAS, sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contribute significantly to the preservation and protection of our natural environment, and

WHEREAS, the estimated 800,000 plus sportfishermen in Louisiana contribute in excess of one billion dollars annually to our economy, and

WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and

WHEREAS, free fishing days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.


NOW THEREFORE BE IT RESOLVED, that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially adopt this resolution and attached rules for freshwater and saltwater fishery declaring the weekend of the first full week of June each year as Free Recreational Fishing Days in the State of Louisiana,


BE IT FURTHER RESOLVED, that during these two days residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of the any otherwise necessary recreational fishing license.

James H. Jenkins, Chairman  
Norman F. McCall, Vice Chairman  
Warren I. Pol

Bert Jones  
Pete Vujnovich  
Houston Foret

Jeff Schneider

  
James H. Jenkins  
Chairman

  
A. Kell McInnis III  
Acting Secretary

RESOLUTION ADOPTED BY THE LOUISIANA WILDLIFE AND FISHERIES COMMISSION AT THE  
REGULAR MEETING HELD IN BATON ROUGE, LOUISIANA, APRIL 4, 1991

RESOLUTION

Commercial Harvest of Spotted Seatrout  
Louisiana Wildlife and Fisheries Commission

WHEREAS, Act 889 of the 1988 Regular Session of the Louisiana Legislature established a quota for the commercial harvest of spotted seatrout in Louisiana at 1.25 million pounds, and

WHEREAS, on September 3, 1987 the Wildlife and Fisheries Commission declared the commercial quota year for spotted seatrout to begin on September 1, 1987 and end on August 31, 1988 and on an annual basis thereafter, and

WHEREAS, the Commission is authorized to close finfish seasons using the emergency provisions of the Administrative Procedure Act, R.S.49:967, and

WHEREAS, Act 889 directs the Commission to close the commercial spotted seatrout fishery when the quota is projected to be reached, and

WHEREAS, Department of Wildlife and Fisheries biologists, based on historical landings and cumulative commercial harvest to date, project that the spotted seatrout quota will be reached during the month of May 1991, and

WHEREAS, updated harvest figures could cause the Department of Wildlife and Fisheries biologists to revise their projection forward, now

THEREFORE BE IT RESOLVED, by the Louisiana Wildlife and Fisheries Commission that the Secretary of the Department of Wildlife and Fisheries is hereby authorized and directed to close the commercial fishery for spotted seatrout on the date the quota is projected to be reached as provided in R.S.56:325.3, and

BE IT FURTHER RESOLVED, that notice to the public shall be given seventy-two hours prior to the effect of the closure, and

BE IT FURTHER RESOLVED, that the purchase, barter, trade, or sale of spotted seatrout taken from Louisiana waters after the closure is prohibited, and

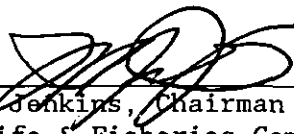
BE IT FURTHER RESOLVED, that the commercial taking or landing of spotted seatrout in Louisiana, whether caught within or without the territorial waters of Louisiana, after the closure is prohibited, and

BE IT FURTHER RESOLVED, that no vessel possessing or fishing any seine, gill net, trammel net, or hoop net shall have a spotted seatrout aboard the vessel, whether caught within or without the waters of the state, and

BE IT FURTHER RESOLVED, that nothing shall prohibit the possession of fish legally taken prior to the closure.



A. Kell McInnis, Acting Secretary  
La. Dept. Wildlife & Fisheries



Jimmy Jenkins, Chairman  
Wildlife & Fisheries Commission

AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
APRIL 4, 1991

- ✓ 1. Roll Call
- ✓ 2. Approval of Minutes of March 7, 1991.
- ✓ 3. Overview of Proactive Strategies Project - George LaPointe
- ✓ 4. Alligator Rule Change - Notice of Intent and Emergency Declaration - Tommy Prickett
- ✓ 5. Notices of Intent of Netting Prohibition in Lake Bartholomew, False River Lake and Lake Concordia - Bennie Fontenot
- ✓ 6. Update on Status of Spotted Seatrout Commercial Quota - Jerry Clark
- ✓ 7. Notice of Intent - Amend Oyster Survey Section Rules - Don Puckett
- ✓ 8. Shell Dredging Lease Bid Package, Central Coast - Don Puckett
- ✓ 9. Ratification of Rules for Free Recreational Fishing Days - Freshwater and Saltwater - Paul Jackson
- ✓ 10. Monthly Law Enforcement Report - Winton Vidrine
- ✓ 11. Acting Secretary's Report - A. Kell McInnis III
- ✓ 12. Set July Commission Meeting Date
- ✓ 13. Public Comments

COMMISSION MEETING  
ROLL CALL  
Thursday, April 4, 1991  
Baton Rouge, LA

	Attended	Absent
Jimmy Jenkins (Chairman)	<u>✓</u>	<u>      </u>
Houston Foret	<u>✓</u>	<u>      </u>
Bert Jones	<u>✓</u>	<u>      </u>
Norman McCall	<u>✓</u>	<u>      </u>
Warren Pol	<u><del>✓</del> <del>John Schneider</del></u>	<u>✓</u>
<del>Jeff</del> John Schneider	<u>✓</u>	<u>      </u>
Peter Vujnovich	<u>✓</u>	<u>      </u>

Mr. Chairman:

*John Schneider*

There are 6 Commissioners in attendance and we have a quorum.  
Acting Secretary Kell McInnis is also present.

AGENDA  
LOUISIANA WILDLIFE AND FISHERIES COMMISSION  
BATON ROUGE, LOUISIANA  
APRIL 4, 1991

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2. Approval of Minutes of March 7, 1991.
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11. Acting Secretary's Report - A. Kell McInnis III
12. Set July Commission Meeting Date
13. Public Comments

April 1, 1991

Approved AKM

AGENDA FOR COMMISSION MEETING

The next regular public board meeting as set by the Commission will be at 10:00 A.M. on Thursday, April 4, 1991, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Roll Call
2. Approval of Minutes for March 7, 1991
3. Overview of Proactive Strategies Project
4. Alligator Rule Change - Notice of Intent and Emergency Declaration
5. Notices of Intent of Netting Prohibition in Lake Bartholomew, False River Lake and Lake Concordia
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9. Ratification of Rules for Free Recreational Fishing Days - Freshwater and Saltwater
10. Monthly Law Enforcement Report
11. Acting Secretary's Report
12. Set July Commission Meeting Date
13. Public Comments



# International Association of Fish and Wildlife Agencies

(Organized July 20, 1902)

Hall of the States

444 North Capitol St. NW, Suite 534, Washington, DC 20001

(202) 624-7890

R. Max Peterson, Executive Vice President

0962M

March 15, 1991

Mr. A. Kell McInnis, Acting Secretary  
Louisiana Department of  
Wildlife & Fisheries  
P.O. Box 98000  
Baton Rouge LA 70898-9000

Dear Mr. McInnis:

The International Association's Animal Welfare Committee is working to develop strategies for fish and wildlife agencies to deal with anti-wildlife management activities. Developed strategies will comprise the Proactive Strategies Project. We intend, as this process continues, for Project staff to call on you to ensure that you are aware of Project progress and preliminary findings.

As the Project approaches conclusion, it will likely generate criticism from outside groups such as seen with the recently held workshop between state agency representatives and animal rights/welfare groups in the upper midwest. The workshop was intended to give state agencies a direct view of how animal rights groups see our actions, and to gather information on their agendas. Additionally, the discussion gave Animal Welfare Committee members further information on the animal rights groups, including differences between local, regional, and national groups, and inconsistencies in arguments presented by anti-wildlife management advocates.

In sponsoring this workshop, the Project has been criticized by both animal rights advocates and strong "pro-animal use" groups (see attached memo). Animal rights advocates believe meeting with state agencies is useless as agencies are entrenched with and dominated by hunting, fishing, and trapping interests. "Pro-use" groups have portrayed the meeting and its purpose as being negotiations between the Association and animal rights "cults" in closed meetings. This could not be further from the truth. These open, facilitated and recorded meetings seek to identify perceptions of issues which will act as cornerstones for states to deal with anti-wildlife management activities. We urge state fish and wildlife agency administrators or staff with questions about the Project, its products or processes, to contact Project staff, members of the Animal Welfare Committee, or Organization of Wildlife Planners members. The goals of the Project are too important to jeopardize by misconceptions.

Sincerely,

  
Mark J. Reeff  
Resource Director

Attachment

cc: Mr. Bob Carmichael  
Mr. Walt Gasson  
Mr. Steve Lewis  
Mr. Jerry Conley

RECEIVED

MAR 19 91

WILDLIFE & FISHERIES  
OFFICE OF THE SECRETARY

As we were addressing these letters for mailing I just received an unbelievable message from our Louisville Chapter. The International Association of Fish and Wildlife Agencies is preparing to hold a series of closed meetings with animal "rights" cult groups to try and find "common ground."

Please write Virginia's Dept. of Game and Inland Fisheries today and urge them to bring pressure on the IAFWA not to negotiate with animal rights activists. The Dept. of Game and Inland Fisheries depends on hunting and fishing licenses for its revenues. If these funds are destroyed because hunting and fishing are banned, it will mean the end of this important wildlife conservation agency.

Mr. Bud Bristow  
Dept. of Game and Inland Fisheries  
4010 W. Broad St.  
Box 11104  
Richmond, Virginia 23230

Sincerely,

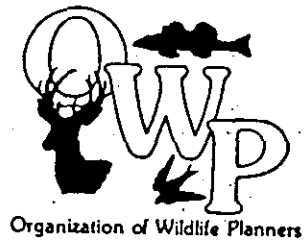
Kathleen Marquardt

604-367-9147  
Wally Jackson



# PROJECT PLAN

## PROACTIVE STRATEGIES FOR FISH AND WILDLIFE MANAGEMENT



## INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

### Statement of Philosophy

Wildlife resources are essential to human survival and invaluable to the human experience. The maintenance, enhancement and/or restoration of wildlife and habitat are vital to ecological integrity, to preserve genetic diversity and to ensure the sustainable utilization of species and ecosystems. Fish and wildlife agencies are directly responsible for the stewardship of these living resources.

### The Issue

"Animal rights" may be defined as a philosophy that assigns human rights to other animals. These "rights" include not being killed, eaten, or used by humans in any way. Animal rights proponents advocate that non-human vertebrates, and possibly invertebrates, have the same basic rights as humans. In distinction, animal welfare advocates do not necessarily object to the use of animals for human benefit, as long as the animals are treated "decently".

The animal rights movement has caused controversy in virtually every area of human endeavor involving the use of animals, including hunting, fishing, and trapping, as well as livestock production and medical research. The worldwide growth of the animal rights movement threatens all traditional uses of animals. In recognition of this potentially debilitating force on wildlife management, the IAFWA has adopted the following position.

## Position

The IAFWA acknowledges that humans have an inseparable relationship with all other parts of the natural world. Furthermore, humanity is answerable to another set of laws and concepts that is uniquely a product of human society. Animals cannot be subject to those laws and concepts and therefore do not have the rights of humans. It is agreed, nonetheless, that animal welfare is a realistic and desirable concept which we support. Humanity does have responsibilities to animals: ensure ecological integrity, preserve genetic diversity and sustain species and ecosystems. All animals use other animals for their existence. The responsible human use of animals is natural and appropriate.

## INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Resolution  
Adopted March 1990

Whereas, a principal objective of the International Association of Fish and Wildlife Agencies is to encourage rational management of fish and wildlife resources using the best available scientific information; and

Whereas, human use of fish and wildlife for commercial, subsistence, recreational and scientific purposes is a sound basis for conserving a renewable resource; and

Whereas, the application of sound fish and wildlife management practices has brought about a general restoration of fish and wildlife abundance in North America from a low point at the turn of the century; and

Whereas, a growing animal rights movement, founded on the premise that all utilization of animals by humans is morally wrong, would integrate animals into aspects of the human social system; and

Whereas, a counter system founded on the moral equivalence of human and animal life would have detrimental long term effects on wildlife populations. Such equivalence is based neither on logic of the natural order, historical perspective, or on aspirations of countless generations of people; and

Whereas, it is essential to the long term well being of fish and wildlife resources that the achievements and efficacy of our evolving system of fish and wildlife management become more visible to the public and that wildlife professionals step forward to identify the implications of the animal rights movement as damaging to fish and wildlife resources; now

**THEREFORE BE IT RESOLVED**, that the International Association of Fish and Wildlife Agencies urges its members and cooperators to counter the activities of the animal rights movement by individual and cooperative initiatives which:

1. Support and promote the philosophy that it is ecologically sound for humans to use animals so long as such use does not threaten long-term well being of wildlife populations;
2. Support and promote the position that rational management of fish and wildlife resources is essential to sustain the well being of wildlife populations and that the general health of such populations is testimony to the efficacy of modern resource management;
3. Support and promote the position that stewardship of fish and wildlife is best exercised through legally mandated, professionally staffed resource management agencies responsible to present and future generations.

**PROACTIVE STRATEGIES FOR FISH AND WILDLIFE MANAGEMENT**  
**MISSION STATEMENT**

To provide effective strategies with which the Association and its governmental members, through coordinated implementation, can maintain and increase public support for professional fish and wildlife management and long-term conservation programs.

**GOAL:** To ameliorate the anti-wildlife management movement.

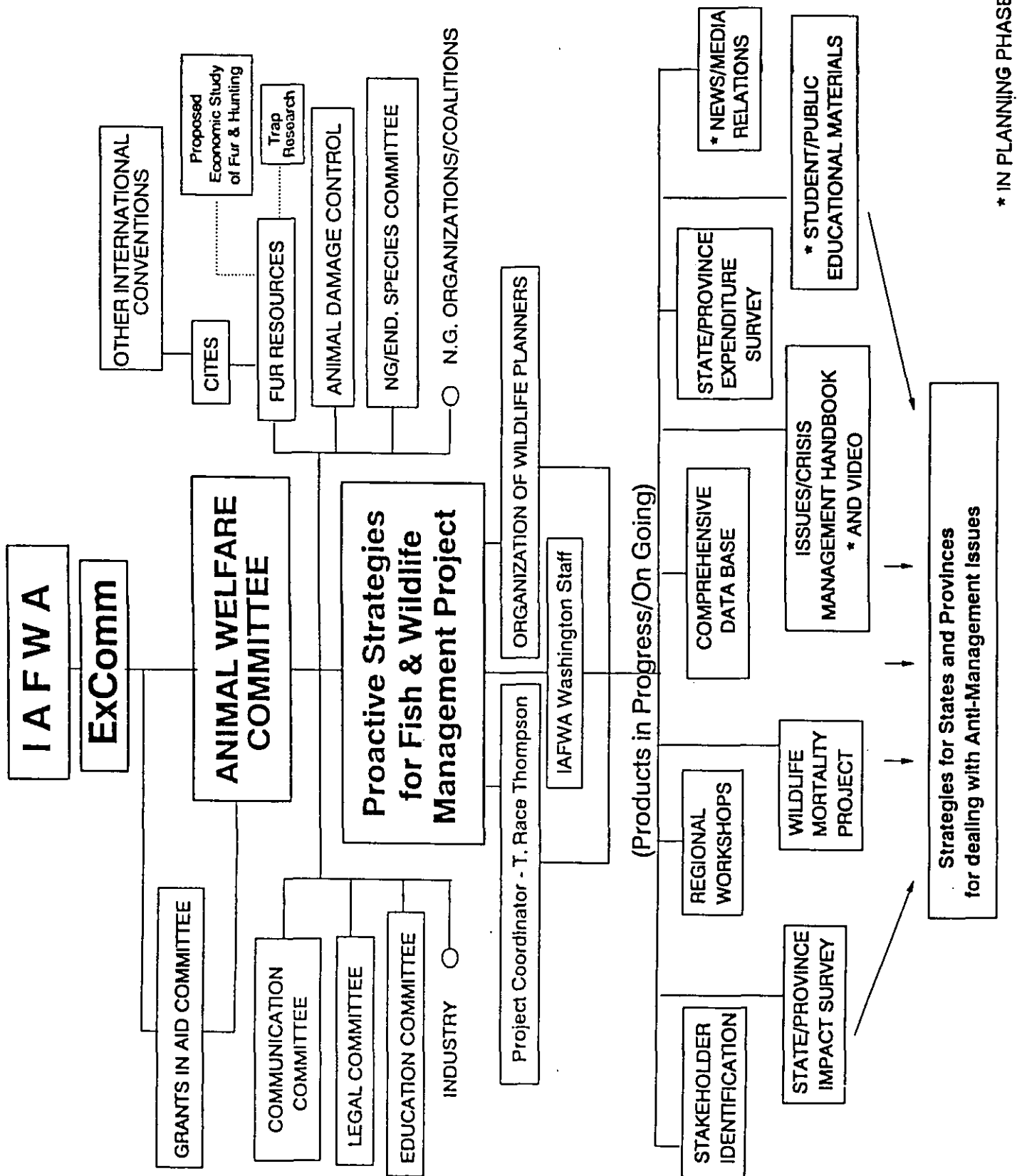
**Objective A.** Develop necessary legal and logistic information for state and provincial fish and wildlife agencies to ameliorate the anti-wildlife management movement:

1. Seek to understand the anti-management movement;
2. Identify anti-management activities;
3. Determine credibility of anti-management interests;
4. Determine legitimacy of anti-management interests;
5. Understand public view and attitude; and
6. Build coalitions supporting animal use.

**Objective B. Develop an array of communication tools for use by state and provincial fish and wildlife agencies and others to maintain and increase acceptance/support for professional fish and wildlife management and long-term conservation programs:**

1. Share information on anti-management movement;
2. Communicate anti-management movement methodology;
3. Communicate with media--news and entertainment;
4. Increase wildlife management credibility; encourage fish and wildlife resource agencies to use practices that best conserve fish and wildlife resources;
5. Increase visibility of effective wildlife management;
6. Educate youth, educators, and those new to wildlife management profession;
7. Encourage states to make adequate investment in their information and education divisions (I&E), including funding of I&E, establishing career track through I&E, outreach to public from profession, addressing anti-management controversies, and providing training for I&E staff (e.g., public communications);
8. Ensure adequate programmatic public explanation;
9. Clarify and communicate wildlife management values;
10. Change perception that agencies are dominated by hunting;
11. Seek public support necessary to implement programs under attack by anti-management activists; protect research tools used in management of fish and wildlife;
12. Counter emotional anti-management issues; understand the anti-management agenda; deal with the value difference inherent in anti-management movement;
13. Show public that wildlife management policies are environmentally sound; and
14. Seek areas of common ground with all stakeholders.

# PROACTIVE STRATEGIES FOR FISH AND WILDLIFE MANAGEMENT ORGANIZATION CHART



## **Explanation of Major Products listed on the organizational chart:**

**Stakeholder Identification:** An analysis of the major anti-wildlife management issues, who the major players are, and where they stand on the issues. Analysis will be ongoing throughout the project, however, an interim report is currently available.

**State/Provincial Anti-Management Impact Survey:** A survey is currently being developed to query states/provinces on topics such as degree of hunter harassment, anti-hunting sentiment, anti-trapping/fur sentiment; impact on management programs, administration, public relations/education efforts, public support for agency, legal actions; what actions have been taken to confront the anti-management movement, were actions taken successful. Survey will be administered Dec 1990/Jan 1991, and summarized results will be available May 1991.

**Regional Workshops:** Regional problem-solving workshops are planned for Spring 1991. These workshops will involve stakeholders and major anti-wildlife management issues. Summarized results of the workshops will be available June 1991.

**Wildlife Mortality Project:** This study is quantifying conditions of natural mortality in wild animals, such as predation, disease, and interactions with man other than hunting, trapping and fishing. The literature search will be completed December 1990, with a final report available July 1991.

**Comprehensive Data Base:** The data base consists of literature from traditional sources, as well as information gained from 'grey' literature and news clippings. Collection of information in the data base will be an ongoing process. The data base will be used to help develop the Issues/Crisis Handbook, as well as to establish a clearinghouse of information that states and provinces can access when faced with an anti-management issue.

**Anti-Management Issues/Crisis Management Handbook and video:** The handbook will be the major product to come from the Proactive Strategies Project. It will consist of two parts: Proactive Strategies and Crisis Management. Proactive Strategies will be developed using information gathered from the state/provincial surveys, database, regional workshops, stakeholder identification, and legislative strategies. Topics include communicating with the media, increasing public support for management programs, building local coalitions, obtaining additional staff training to deal with anti-management issues, and countering emotional issues used by anti-management groups. Crisis management will consist of strategies to use when an agency finds itself in a crisis situation. Topics include briefing agency staff, handling a hunt protest, and dealing with the media. Appendices will include case histories, model legislation, point-counter-point questions and answers about anti-management issues, a list of major anti-management groups active in North America and the issues they focus on. Development of the handbook will be an ongoing process, culminating in 1993. Interim products will be available as different sections are developed. The Communications Committee will be



requested to provide assistance in developing a video to accompany the handbook.

**State/Provincial Expenditure Survey:** This survey is measuring the opportunity costs of redirecting staff to react to anti-management issues. It quantifies direct staff time - such as a biologist responding to an adverse article in the paper, preparation of press releases, supervisory review of the prepared response, and answering telephone calls from reporters and the public. It also accounts for indirect agency costs such as legal review and advice of the Attorney General, State police services for crowd control, legislative hearings, and Department of Public Works/Highway Department traffic control. The survey will be administered September 1990, with summarized results available in March 1991.

**Student/Public Educational Materials:** Materials will be developed to increase the visibility of wildlife agencies and to promote public support for wildlife management. Potential materials include: popular articles, exhibits at home/camping shows, videos and movies for television and schools, newsletters, weekly readers for students, continuing education classes, training for I&E personnel on dealing with controversial issues, and promotion of Watchable Wildlife Programs. The Education committee, the Communications committee, and the Nongame/Endangered Species Committee will be requested to provide assistance in developing/promoting these products.

**News/Media Relations:** Strategies and products to cultivate the media will be developed for use on a national as well as on a state/provincial level. Potential products include: popular articles, creating a speaker's bureau of trained spokespeople, videos, press releases, briefing packages, training on working with the media, and PR packages. A national brochure on wildlife management will be made available in March 1991. The Communications committee will be requested to provide assistance with the development of these products.

Resolution

Louisiana Wildlife and Fisheries Commission

Alligator Regulations

WHEREAS, the Louisiana Department of Wildlife and Fisheries has the authority under State and Federal statute to regulate the taking, possession, selling, raising and propagation of alligators statewide; and

WHEREAS, the Louisiana Wildlife and Fisheries Commission in exercising this authority realizes that amendments to the existing regulations based on sound biological evidence and regulatory prudence are necessary to maintain and protect the wild population of alligators and to regulate the newly evolving alligator farm industry;

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt the Declaration of Emergency which amends certain aspects of Alligator Regulations.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate these emergency regulations and the final rule, including but not limited to the filing of the Fiscal and Economical Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

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A. Kell McInnis  
Acting Secretary

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Jimmy Jenkins  
Chairman

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

In accordance with the Administrative Procedures Act, R.S. 49:953 (B), notice is hereby given that the Louisiana Wildlife and Fisheries Commission adopted and amended certain portions of the rule (LAC 76:V.701) pertaining to alligators, effective April 4, 1991.

The emergency adoption of the amendments are necessary to insure that the states wild alligator population is not adversely impacted and to insure that the regulations governing that population reflect the most up to date scientific and population monitoring information available. Failure to amend these regulations will result in delaying releases of farm raised alligators into the wild, provide the Department with less information than necessary to monitor alligator farming activity, and may ultimately lead to reduced numbers of wild alligators in Louisiana.

A copy of the sections amended are noted below (additions underlined, deletions struck through). A complete copy of the Alligator Regulations with amendments can be viewed at the Louisiana Department of Wildlife and Fisheries, Fur and Refuge Division, 2000 Quail Drive, Baton Rouge, LA. 70898-9000.

## Chapter 7. Alligators

### Section 701. Alligator Regulations

#### K. Report Requirements.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

#### N. Alligator Egg Collection.

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area within a maximum time of two (2) years from date of hatching. Each alligator shall be a minimum of 48" 36" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between ~~April 15~~ March 15 and ~~September 15~~ September 30 of each calendar year provided that environmental conditions as determined by the Department are favorable for survival of the released alligators. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of 48<sup>u</sup> alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

James H. Jenkins, Jr.  
Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

TITLE 76  
WILDLIFE AND FISHERIES

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 7. Alligators

Section 701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby give notice of its intent to amend the rule governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

Specific sections of the rule to be amended (additions underlined, deletions struck through) are as follows:

K. Report Requirements.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as

described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

N. Alligator Egg Collection.

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area within a maximum time of two (2) years from date of hatching. Each alligator shall be a minimum of ~~48"~~ 36" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between ~~April 15~~ March 15 and ~~September 15~~ September 30 of each



calendar year provided that environmental conditions as determined by the Department are favorable for survival of the released alligators. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of 48<sup>u</sup> alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

The Louisiana Wildlife and Fisheries Commission regular monthly meeting in June, July and August shall serve as public hearings for the proposed amendments to the rule at which time interested persons may submit oral and written comments relative

to the proposed amendments until 4:30 p.m., August 30, 1991, to Tommy Prickett, Administrator, Fur and Refuge Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16:1070 (December, 1990), Amended L.R. 17: ( ,1991).

James H. Jenkins, Jr.  
Chairman

Commission Meeting 4 April 1991  
Fur and Refuge Division

Alligator Rule Changes

The Fur and Refuge Division will present for your consideration a Notice of Intent and a Declaration of Emergency to implement alligator rule changes. If approved by the Commission, the rule changes will go into effect immediately.

The Department's alligator program is continuing to evolve and changes will be recommended as new information or data indicates such a need. Four changes are recommended at this time:

- 1) Page 20, (g) - Presently alligator farmers submit a year end report of all activity. Because of this the Department cannot adequately ascertain the number of alligators a farmer has in possession most of the year. We propose to require farmers to report to the Department within 10 days after egg collection stating the number of eggs collected, report the number of hatching after incubation is completed, and report each time alligators are sold.
- 2) Page 24, 11. - Regulations do not currently specify how long an individual can wait prior to completing the mandatory release of young alligators into the wild. We propose a maximum of 2 years.
- 3) Page 24, 11. - The basis of the whole farm alligator industry is that eggs are collected in the wild and a portion of the alligators hatched from those eggs are released back onto the wild. Releases offset the egg collections so that the wild population is not adversely impacted.

Current regulations specify that released alligators be a minimum of 48 inches in size. The portion released at 48 inches is 17%. We propose that the minimum size be reduced to 36 inches with correspondingly higher percentage rate. (see attached chart) If approved by the Commission farmers would be allowed to release alligators from 36" to 60". Each alligator would be measured to determine an average size and the corresponding percent as indicated by Taylor and Neal's research would be used to compute the appropriate number of alligators to be released.

- 4) Page 24, 11. - Presently young alligators can be released into the wild only between April 15 - September 15 of each year. We propose broadening these

dates to allow releases from March 15 - September 30 if environmental conditions are suitable. Most of the alligators released in South Louisiana where in a normal year March 15 is suitable. This change will help spread the Department's workload over a greater time period.

Also attached for your review is a copy of the alligator rules with the proposed additions underlined and deletions lined out.

If you have any questions prior to the 4 April meeting, please give me a call.

Tommy Prickett  
765-2811

Table 1. Size class and return rate as determined by Taylor and Neal (1984).

Size	Percent Return
36"	29.6%
38"	27.5%
40"	25.4%
42"	23.3%
44"	21.2%
46"	19.1%
48"	17.0%
50"	15.8%
52"	14.6%
54"	13.4%
56"	12.2%
58"	11.0%
60"	9.8%

RULE  
Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

PART V. WILD QUADRUPEDS AND WILD BIRDS

Chapter 7. Alligators

#701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby establish regulations governing the harvest of wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

A. Purpose.

These regulations are to govern the taking, possession, selling, raising and propagation of alligators statewide, both in the wild and in captivity. They are enacted to prevent depletion or waste, while enhancing utilization of this renewable resource. These regulations are based upon scientific study and population monitoring and are consistent with federal requirements to qualify alligators and alligator parts from Louisiana for international export under the Convention on International Trade in Endangered Species of wild fauna and flora. Alligators in Louisiana are not endangered but their similarity in appearance to endangered crocodilian species requires controls on commerce to minimize illegal trafficking of these species and to regulate and maintain the wild population of alligators. These regulations provide rules to enhance alligator farming operations; establish the methods of alligator harvest; establish minimum facility requirements for alligator farming; regulate commerce in alligators, eggs and parts; streamline necessary reporting requirements; and, establish a regulated nuisance alligator control program.

B. Definitions.

The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning:

1. Alligator - American alligator (Alligator mississippiensis).

2. Alligator Egg Collection Permit - A permit issued by the Department allowing for the collection of alligator eggs on designated properties described as part of the permit. The permit will be signed by the Secretary or his designee, the

permittee and the landowner/land manager.

3. Alligator Farm - An enclosed area, constructed so as to prevent the ingress and egress of alligators from surrounding public or private lands or waters and meeting other specifications and requirements set by the Department, where alligators are bred, propagated, or raised as a commercial enterprise under controlled conditions.

4. Alligator Farmer - A properly licensed person who raises alligators under controlled conditions which prohibit free movement of the animals onto and off of the farm or controlled area, and who may harvest alligators under the supervision of the Department. An alligator farmer must possess a valid nongame quadruped breeder's license.

5. Alligator Hunter - A properly licensed resident or nonresident person who takes wild alligators.

6. Alligator Part - Any part of the carcass of an alligator, except hides tagged pursuant to all applicable laws and regulations including the laws and regulations of the United States Government, the State of Louisiana and the Louisiana Wildlife and Fisheries Commission.

7. Alligator Parts Dealer - Any properly licensed person who deals in alligator parts and who:

(a) Buys from an alligator hunter, another parts dealer, or an alligator farmer for the purpose of resale; or

(b) Manufactures within the state alligator parts into a finished product; or

(c) Purchases, cans, processes, or distributes alligator meat for wholesale or retail.

8. Alligator Parts Retailer - Any properly licensed person selling canned alligator parts or purchasing alligator parts from an alligator parts dealer, and each restaurant selling prepared alligator meat for human consumption.

9. Alligator Parts Tag - An official tag issued by the Department that is attached to all unprocessed alligator parts upon transfer by an alligator hunter, an alligator parts dealer, or alligator farmer.

10. Alligator Shipping Label - A serially numbered label issued by the Department required on each container of alligators or alligator eggs being shipped or transported out of the state.

11. Bona Fide Resident (1) - Any person who has resided in the state of Louisiana continuously during the twelve months immediately prior to the date on which he applies for any license and who has manifested his intent to remain in this state by establishing Louisiana as his legal domicile, as demonstrated with all of the following, as applicable:

(a) If registered to vote, he is registered to vote in Louisiana.

(b) If licensed to drive a motor vehicle, he is in possession of a Louisiana driver's license.

(c) If owning a motor vehicle located within Louisiana, he is in possession of a Louisiana registration for that vehicle.

(d) If earning an income, he has filed a Louisiana state income tax return and has complied with state income tax laws and regulations.

(2) As to a corporation or other legal entity, a resident shall be any which is incorporated or otherwise organized under and subject to the laws of Louisiana, and as to which the principal place of business and more than fifty percent of the officers, partners, or employees are domiciled in Louisiana.

12. Closed Season - That period of time of a calendar year not specifically included in the open season.

13. Commission - The Louisiana Wildlife and Fisheries Commission.

14. Common Carrier - Any agency or person transporting passengers or property of any description for hire.

15. Confiscation - The exercise of a right under the police power wherein property is seized and held pending court order if the seized material is nonperishable, or disposed of without judicial intervention if perishable.

16. Consumer - Restaurants and other places where alligator, fish, shrimp, or other aquatic life is prepared for human consumption; or any person using alligator, fish, shrimp, or other aquatic life for bait or personal consumption.

17. Department - The Louisiana Department of Wildlife and Fisheries.

18. Designated Collection Agent - Anyone who is permitted by the Department to assist an alligator egg collection permittee



during alligator egg collection.

19. Fur Buyer - Anyone who buys raw furs or skins from fur trappers, alligator hunters, fur buyers, or fur dealers and who sells to another fur buyer or fur dealer within the confines of the state or to a nonresident fur dealer licensed by the State of Louisiana in interstate commerce, or who acts as an agent of another fur buyer or fur dealer in this state in such purchase or sale. Fur buyers are divided into two classes, resident and nonresident. Resident fur buyers are those who are bona fide residents of this state. All others are nonresident fur buyers.

20. Fur Dealer - Anyone who deals in raw furs and skins and who:

(a) Buys from a fur trapper, alligator hunter, or alligator farmer, either directly or indirectly, and ships or exports from this state, either directly or indirectly, the raw furs and skins so bought; or

(b) Buys from a fur buyer or other fur dealer and exports from this state the raw furs and skins so bought; or

(c) Buys from a fur trapper, alligator hunter, alligator farmer, fur buyer, or other dealer and sells such raw furs and skins for manufacturing into a finished product in this state; or

(d) Manufactures such furs and skins into a finished product in this state, buying directly from a fur trapper, alligator hunter, alligator farmer, fur buyer, or fur dealer; or

(e) Transports raw furs or skins into this state for the purpose of sale within the state. Fur dealers are divided into two classes, resident and nonresident. Resident fur dealers are those who are bona fide residents of this state. All others are nonresident fur dealers.

21. Hatchling - A young of the year alligator which is less than twenty three (23) inches in length.

22. Hide - (See "Pelt").

23. Hook - Any curved or bent device attached to a line or pole for the purpose of taking alligators.

24. Hunt - In different tenses, attempting to take.

25. Incubator - An apparatus designed and used for the primary

purpose of incubating alligator eggs.

26. Land Manager - Any authorized person who represents the landowner.

27. Landowner - Any person who owns land which the Department has designated as alligator habitat.

28. Licensee - Any resident or nonresident lawful holder of an effective license duly issued under the authority of the Department.

29. Nongame Quadruped - Alligators, beavers, bobcats, coyotes, gray foxes, minks, muskrats, nutrias, opossums, otters, raccoons, red foxes, skunks, and other wild quadrupeds valuable for their furs or skins.

30. Nongame Quadruped Breeder - A person properly licensed to engage in the business of raising, exhibiting and selling nongame quadrupeds on alligator or fur farms.

31. Nongame Quadruped Exhibitor - A person properly licensed to engage in the business of raising and/or exhibiting nongame quadrupeds.

32. Nonresident - Any person who is not a bona fide resident as that term is defined by R.S. 56:8(12).

33. Nuisance Alligator - A specific (particular) alligator that poses a threat to human life or property.

34. Nuisance Alligator Hunter - A licensed alligator hunter who is contracted or otherwise selected by the Department to remove designated nuisance alligators.

35. Open Season - That period of time set by the Louisiana Wildlife and Fisheries Commission, during which wild alligators or their eggs may be lawfully taken.

36. Out Of State Shipping Tag - An official, serially numbered tag, yellow in color, issued by the Department required on each shipment of alligator hides shipped out of state.

37. Part - For purposes of this section, a part is a division of a subsection.

38. Pelt - The skin or hide of a quadruped.

39. Pelting - Removing the skin and/or fur of a quadruped in such a manner as to render it marketable.

40. Person - Includes any individual person, association,

corporation, partnership, or other legal entity recognized by law.

41. Pole Hunting - The act of taking an alligator from a den with a pole or snagging device of any type and includes using such devices to induce an alligator to move from a den prior to taking.

42. Possess - In its different tenses, the act of having in possession or control, keeping, detaining, restraining, or holding as owner, or as agent, bailee, or custodian for another.

43. Processed Alligator Part - Any part (and its resulting products) that has been removed from a legally taken alligator, treated to prevent decomposition, and packaged; provided that the meat is not processed until packaged and marked with required labeling as described in Subsection L of these regulations.

44. Propagation - The holding of live alligators for production of offspring.

45. Raising - The production of alligators under controlled environmental conditions or in outside facilities.

46. Rearing - (See "Raising").

47. Resident - (See "Bona Fide Resident").

48. Secretary - The secretary of the Louisiana Department of Wildlife and Fisheries.

49. Skin - (See "Pelt").

50. Take - In its different tenses, the attempt or act of hooking, pursuing, netting, capturing, snaring, trapping, shooting, hunting, wounding, or killing by any means or device.

51. Transport - In its different tenses, the act of shipping, attempting to ship, receiving or delivering for shipment, transporting, conveying, carrying, or exporting by air, land, or water, or by any means whatsoever.

52. Wildlife - All species of wild vertebrates.

53. Wildlife Management Area - Any area set aside, maintained, and supervised by the Department for the purpose of managing and harvesting wild birds, wild quadrupeds, fish and other aquatic life under controlled conditions to afford maximum public hunting and fishing opportunity.

54. Wildlife Refuge - Any area set aside and designated by the Department as a refuge on which wild birds and animals are protected. Control of certain forms of wildlife may be conducted by the Department.

C. General Rules.

1. No person shall take, possess, purchase or sell alligators, alligator eggs, alligators parts, or goods manufactured from alligators, except as provided in these regulations and LA. R.S. Title 56.

2. Each alligator, alligator egg, or alligator part taken or possessed in violation of these regulations shall constitute a separate offense.

3. Hides of alligators harvested in Louisiana shall be tagged in accordance with provisions of these regulations and deviation from those requirements shall be a violation and subject hides to confiscation. Violation of this part is a class 7A violation as described in Title 56.

4. Pole Hunting is prohibited. Violation of this part is a class 2 violation as described in Title 56.

5. An alligator hunter must possess on his or her person one or more current alligator hide tags while taking alligators provided that only one licensed hunter needs to possess current hide tags among a group of licensed hunters who are physically present in the same location and are conducting a joint hunting operation. Violation of this part is a class 2 violation as described in Title 56.

6. No person shall release any alligator from any taking device for any purpose without first dispatching and tagging the alligator. Violation of this part is a class 2 violation as described in Title 56.

7. Collection of alligator hatchlings from the wild is strictly prohibited. Taking or collection of any wild alligator illegally is strictly prohibited. Violation of this part is shall constitute a Class 7A violation for each alligator taken as described in Title 56. All alligators taken in violation of this part shall be confiscated and in addition to all other penalties provided herein, all alligator licenses of any type held by the offender(s) shall be revoked for a period of three (3) calendar years and no alligators shall be raised or propagated on the offender's facilities for a period of three (3) calendar years.

8. The shipment of alligator eggs out of state is prohibited except where special scientific permits have been obtained in

advance from the Department and specify all such shipments. Violation of this part is a class 2 violation as described in Title 56.

9. Transportation of alligator(s) into this state without prior written approval of the Department is strictly prohibited. Violation of this part is a class 7A violation as described in Title 56.

10. It is unlawful to ship alligator eggs into the State of Louisiana unless they are to be used for Department sponsored scientific studies and these shipments shall have prior written Department approval. Violation of this part is a class 7A violation as described in Title 56.

11. The shipment of live alligators or alligator eggs out of the United States is strictly prohibited unless they are used for Department sponsored scientific studies with an accompanying authorization signed by the Secretary. Violation of this part is a class 7A violation as described in Title 56.

12. There is levied a severance tax of twenty-five cents on all skins or hides taken from any alligator, within the state, payable to the state through the Department by the alligator hunter or alligator farmer taking his own catch out of state, or by the dealer. Violation of this part is a class 2 violation as described in Title 56.

#### D. Licenses, Permits and Fees.

1. The licenses and fees required for activities authorized by these regulations are as prescribed under provisions of Title 56, or as prescribed in these regulations, and are:

- (a) \$25 for a resident alligator hunter's license;
- (b) \$150 for a nonresident alligator hunter's license;
- (c) \$25 for a resident fur buyer's license;
- (d) \$100 for a nonresident fur buyer's license;
- (e) \$150 for a resident fur dealer's license (\$500 deposit required);
- (f) \$300 for a nonresident fur dealer's license (\$1,000 deposit required);
- (g) \$10 for a nongame quadruped exhibitor's license;
- (h) \$25 for a nongame quadruped breeder's license;
- (i) \$50 for a alligator parts dealer license;
- (j) \$5 for a alligator parts retailer license;
- (k) \$4 for each alligator hide tag;
- (l) \$4 for each whole alligator leaving the state as alligator shipping label fee;
- (m) \$0.25 severance tax for each alligator hide taken from within the state;
- (n) \$25 for a Designated Agent Collection Permit.

2. No person may take, attempt to take, or possess a wild alligator in this state during the open season for taking wild alligators unless he or she has acquired and possesses an alligator hunter's license. An alligator hunter must have in possession a valid alligator hunter license to take or sell alligators, their skins, or parts. Violation of this part is a class 2 violation as described in Title 56.

3. No resident or nonresident fur buyer shall ship furs, alligators, alligator skins, alligator eggs, or alligator parts out of state. Violation of this part is a class 2 violation as described in Title 56.

4. Every resident fur dealer, alligator hunter, alligator parts dealer, alligator farmer, nonresident fur dealer, or nonresident alligator hunter shall not ship or take raw alligator skins, alligators, or alligator parts out of state without first complying with provision of these regulations. Violation of this part is a class 2 violation as described in Title 56.

5. No person may engage in the business of raising and/or exhibiting alligators unless he or she has acquired and possesses a valid nongame quadruped exhibitor license. Violation of this part is a class 3 violation as described in title 56.

6. No person may engage in the business of raising, breeding, propagating, exhibiting and selling alligators alive or selling their parts, and killing and transporting them and selling their skins and carcasses unless he or she has acquired and possesses a valid nongame quadruped breeder license and complies with Subsections N and O of these regulations. Violation of this part is a class 3 violation as described in Title 56.

7. No person shall engage in the business of buying and selling alligator parts unless he or she has acquired and possesses a valid alligator parts dealer license. Violation of this part is a class 2 violation as described in Title 56.

8. Each retailer selling canned alligator parts or purchasing alligator parts, and each restaurant selling prepared alligator meat for human consumption shall secure from the department an alligator parts retailer license prior to commencing business. Violation of this part is a class 2 violation as described in Title 56.

9. No person shall remove and possess alligator eggs from wild nests unless he or she has acquired and possesses a valid nongame game quadruped breeder license or a valid Designated Collection Agent Permit and also has in his possession a

valid alligator egg collection permit. Egg collection permits will only be issued to those persons who demonstrate competency in egg collection and handling, have necessary equipment accessible and comply with all Department requirements as described in Subsection N of these regulations. Violation of this part is a class 7A violation as described in Title 56.

10. No person shall ship or transport alligators out of the state without first applying for and receiving an alligator shipping label which shall be affixed to each container of alligators and is properly completed and validated by Department personnel. Violation of this part is a class 2 violation as described in Title 56.

11. Every alligator hunter or alligator farmer shipping or transporting his own catch of alligator skins out of state is liable for the severance tax thereon, and shall apply for an official out of state shipping tag to be attached to the shipment and shall pay the severance tax prior to shipment. Violation of this part is a class 2 violation as described in Title 56.

12. Valid holders of alligator hunter license, nongame quadruped breeder license, fur dealers license and alligator parts dealer license must comply with federal licensing and permit requirements to engage in interstate and international commerce involving alligators, alligator hides and parts. Violation of this part is a class 2 violation as described in Title 56.

#### E. Wild Harvest Methods.

1. Alligators taken from the wild may be removed from hook and line, and other legal capture devices which may be used, only during daylight hours, between official sunrise and official sunset. Violation of this part is a class 7A violation as described in Title 56.

2. There are no size restrictions on wild alligators taken during the general open season. A Department issued permit is required to sell alligators or their skins which are less than four (4) feet in length. Violation of this part is a class 7A violation as described in Title 56.

3. Legal methods for taking alligators in the wild are as follows:

- (a) Hook and line;
- (b) Long (including compound) bow and barbed arrow; and
- (c) Firearms.

Violation of this part is a class 7A violation as described in Title 56.

4. Hooks and arrows may be used only when a line of at least 300-pound test is securely attached to the hook or head of the arrow in such a manner to prevent separation from the hook or head until the carcass is retrieved. The other end of the line must be attached to a stationary or floating object capable of maintaining the line above water when an alligator is attached. Violation of this part is a class 7A violation as described in Title 56.

5. Alligator hunters shall inspect their hooks and lines and remove captured alligators daily. Alligators shall not be cut loose from hooks and lines for the purpose of selecting larger alligators. All hooks and lines shall be removed when an alligator hunter's quota is reached. Violation of this part is a class 7A violation as described in Title 56.

6. Baited hooks and lines may be set no more than 24 hours prior to the general open season and shall be removed no later than sunset of the last day of the open season. Violation of this part is a class 7A violation as described in Title 56.

7. No person possessing alligator hide tags issued for privately-owned land or water may take alligators on adjacent publicly-owned water unless the taking device is anchored to privately-owned land or the person is on privately-owned land when the taking occurs, provided that any alligator captured on a legal taking device that is anchored to privately-owned land or held by a person on privately-owned land may be dispatched from a floating craft on public water. Violation of this part is a class 7A violation as described in Title 56.

8. A person possessing alligator hide tags for publicly-owned areas may take alligators by legal means from a floating craft on public water for which the tags are issued.

#### F. Alligator Hide Tag Procurement and Tagging Requirements.

1. Alligator hide tags may be obtained as follows and only to properly licensed alligator hunters and nongame quadruped breeders:

2. Landowners, Land Managers and Hunters - upon application to the Department on forms provided for tag issuance. Applications for alligator tag allotments will be taken annually beginning August 1 and ending 10 days after the season opens.

(a) Maximum tag issuance to individual landowners, land managers, or their hunters shall be determined solely by the Department. Landowners, land managers, or their hunters shall certify total acreage owned or represented on a form prescribed by the Department at the time of



application. The location and acreage of the property must be provided which includes parish, township, range and section delineation figures.

(b) Land managers and hunters must present a notarized document from the landowner verifying their selection to represent that landowner and the total acreage represented to obtain hide tags.

(c) Payment for all alligator tags shall be received by the Department prior to issuance. Numbered alligator hide tags shall only be issued in the name of the license holder and are nontransferable. A refund will be issued for all unused alligator tags which are returned within the required time frame designated in these regulations.

Violation of parts 1 and 2 of this Subsection are class 2 violations as described in Title 56.

3. Alligator farmers - upon request to the Department at any time at least two weeks prior to scheduled harvesting, subject to verification of available stock by Department personnel. Violation of this part is a class 2 violation as described in Title 56.

4. If an alligator hunter is cited for hunting alligators out of season, at night, or on property other than that for which hide tags were issued, all unused hide tags and alligators in possession shall be confiscated and the violator's alligator hunting license shall be revoked. Violation of this part is a class 7A violation as described in Title 56.

5. Special instructions will be issued to the holders of alligator hunting licenses immediately prior to the annual open season describing detailed methods regarding the skinning of alligators. Alligator farmers shall adhere to the annual skinning requirements when skinning farm raised alligators. Alligators not skinned in compliance with the established specific requirements shall be considered illegal and shall be confiscated by the Department.

6. It shall be a violation for any alligator hunter, alligator farmer, fur buyer, or fur dealer who knowingly attempts to sell an alligator hide that was not skinned in accordance with the established specific requirements. Violation of this part is a class 7A violation as described in Title 56.

7. A hide tag shall be attached in the last six (6) inches of an alligator's tail immediately upon possession by an alligator hunter. The tag shall be attached in accordance with instructions issued by the Department. Alligator farmers may wait until farm raised alligators are skinned prior to

tagging. Live or dead farm raised alligators may be transported with their accompanying tags from a licensed alligator farm to a licensed processing facility, however each shipment shall be accompanied with the exact number of alligator hide tags. Violation of this part is a class 7A violation as described in Title 56.

G. Open Season, Open Areas, and Bag Limits.

1. Open seasons are as follows:

(a) The general open season for taking alligators in the wild may be established annually by the Commission at their regular July meeting. The Secretary shall be authorized to close, extend or reopen the season as biologically justifiable.

(b) Nuisance control hunters may take nuisance alligators at any time as prescribed by the Department.

(c) Farm raised alligators may be taken at any time following the issuance of hide tags by the Department.

(d) The open season for collection of alligator eggs from the wild shall be from May 15 through September 15 of each calendar year.

Violation of this part is a class 7A violation as described in Title 56.

2. The open areas are as follows:

(a) For the general open season, those areas designated by the technical staff of the Department as alligator habitat and which can sustain an alligator harvest.

(b) The Department may select public lakes and lands for an experimental alligator hunting program. The harvest will be controlled by a tag allotment for each lake as determined by Department personnel. Applicants for public lake hunting must be 16 years of age or older. Applications must be received at least 10 days prior to the season opening date. A public drawing will be held to select hunters. An alligator hunter can receive tags for and hunt on only one public lake per season. The tag quota for each lake and hunter will be established by the technical staff of the Department. Alligator tags issued on public lakes and lands are nontransferable.

(c) Wild alligators in the remainder of the state may be taken only under provisions as prescribed by the Department.

Violation of this part is a class 7A violation as described in Title 56.

3. The daily and season bag limit is equal to the number of valid alligator hide tags that a licensed alligator hunter possesses. Violation of this part is a class 7A violation as described in Title 56.

4. Non resident alligator hunters may only take three (3) alligator during the open season. Violation of this part is a class 4 violation as described in Title 56.

5. Harvest rates will be calculated annually by Department personnel based on biological data. Alligator hide tag allotments will be established prior to issuance of alligator hunting licenses.

#### H. Possession.

1. No person shall possess alligators or alligator hides in Louisiana without valid official tags properly attached. Failure to properly tag an alligator or hide shall result in confiscation of both the alligator or hide and tag. Violation of this part is a class 7A violation as described in Title 56.

2. Alligator farmers may request hide tags or shipping labels from the Department to be used on farm-raised alligators that have died unexpectedly and may hold those alligators in freezers until receipt of the requested hide tags or shipping labels. These alligators may be held in freezers for a maximum of 60 days prior to disposal. All alligators 24 inches and greater in length that die unexpectedly must be properly skinned and tagged with an alligator hide tag. Violation of this part is a class 7A violation as described in Title 56.

3. No person other than a licensed alligator hunter, licensed alligator farmer, licensed fur buyer or licensed fur dealer may possess a tagged or labeled alligator, a tagged raw or salted hide of an alligator at any time, provided that legally documented tagged or labeled alligators or tagged hides may be possessed without license while in transit, or during processing for tanning or taxidermy. Violation of this part is a class 7A violation as described in Title 56.

4. No person other than a licensed alligator farmer or licensed non game quadruped exhibitor may possess live alligators at any time other than by a permit issued by the Department upon request for use in displays and educational purposes, and by holders of valid Department issued permits for scientific purposes. Live, farm raised alligators and their alligator hide tags may be held for processing by a

properly licensed alligator skinning facility without a license or permit. Violation of this part is a class 7A violation as described in Title 56.

5. No person other than a licensed alligator farmer or licensed non game quadruped exhibitor may possess alligator eggs at any time other than Department permitted Designated Collection Agents assisting a licensed and permitted alligator farmer during wild egg collection, or a holder of a valid Department issued permit for scientific purposes. Any alligators hatched from scientific permits issued by the Department will be returned to the wild under Departmental supervision following completion of the research project. Violation of this part is a class 7A violation as described in Title 56.

#### I. Importation, Exportation, Purchase, and Sale.

1. Alligators, alligator hides (raw or salted), or parts of alligators, may be brought into the state only if the alligators, alligator hides or parts of alligators were lawfully taken in another state or country and the person, firm or corporation bringing the alligators, alligator hides (raw or salted), or alligator parts into the state has obtained written permission from the Department. Violation of this part is a class 7A violation as described in Title 56.

2. All alligators, alligator hides (raw or salted), or parts of alligators possessed, sold, purchased, exported, imported, or brought into the state from another state shall be accompanied by documented evidence that they were lawfully taken. Documented evidence shall consist of, but not be limited to:

(a) A resource user license or permit number allowing the taking of alligators and tags or other identification required by the state or country of origin shall be firmly attached to the alligator, alligator hide, or parts of alligators; and

(b) A tag or label is affixed to the outside of any package or container of alligators, alligator hides, or alligator parts that specifies type of contents, indicates quantity contained, and lists applicable license or permit numbers.

Violation of this part is a class 7A violation as described in Title 56.

3. Purchases of alligators, alligator hides and alligator parts are restricted as follows:

(a) A licensed alligator hunter may not purchase alligators or alligator hides from anyone.

(b) A licensed fur buyer may purchase alligator hides from an Louisiana licensed alligator hunter, licensed alligator farmer, licensed fur dealer, or another fur buyer within the confines of the state.

(c) A licensed fur dealer may purchase alligator hides from a licensed alligator hunter, licensed alligator farmer, fur buyer or another fur dealer.

(d) A licensed alligator farmer may purchase live alligators only from another licensed alligator farmer or the Department.

(e) An alligator farmer may purchase alligator eggs only from another alligator farmer, a landowner/land manager (with an approved Department alligator egg collection permit), or the Department.

(f) A licensed alligator parts dealer may purchase alligator parts from an licensed alligator hunter, alligator farmer, another alligator parts dealer, or the Department.

(g) A licensed parts retailer may purchase canned alligator parts or alligator parts from an alligator parts dealer.

(h) A restaurant may purchase alligator meat to sell prepared for human consumption with a alligator parts retailer license.

Violation of this part is a class 2 violation as described in Title 56.

4. Sales of alligators and alligator parts are restricted as follows:

(a) A licensed alligator hunter may sell alligators, alligator hides, or alligator parts taken by the licensee during the general open season to anyone who may legally purchase.

(b) A licensed alligator farmer may sell alligators, alligator eggs, alligator hides, or alligator parts to anyone who may legally purchase. The sale of alligator eggs or live alligators shall only occur following the issuance of an Alligator Transfer Authorization Permit issued by the Department. Application for the permit shall be made at least 2 weeks prior to the transfer.

(c) A licensed fur buyer may sell alligator hides to a fur dealer or another fur buyer within the confines of the state.

(d) A licensed fur dealer may sell alligator hides to anyone who may legally purchase.

(e) A licensed alligator parts dealer may sell alligator parts to anyone.

(f) A licensed alligator parts retailer may sell canned alligator parts, processed alligator parts, or alligator meat to anyone.

(g) A restaurant possessing an alligator parts retailer license may sell alligator meat prepared for human consumption to anyone.

Violation of this part is a class 3 violation as described in Title 56.

5. Legally tagged and documented alligators, alligator hides, and parts of alligators taken in Louisiana may be shipped out of state or exported by alligator hunters, alligator farmers, fur dealers and alligator parts dealers subject to Subsection K of these regulations (relating to Report Requirements) provided that no live alligators or eggs originating in Louisiana may be exported outside of the United States without specific Department authorization and the concurrence of the United States Fish and Wildlife Service, to be used only for scientific purposes. Violation of this part is a class 3 violation as described in Title 56.

6. A special permit is required of anyone who sells alligator eggs, live alligators under four (4) feet in length, or skins of alligators under four (4) feet in length. Violation of this part is a class 7A violation as described in Title 56.

#### J. Nuisance Alligator Control.

1. Nuisance alligator hunters will be selected by the Department and may be based upon recommendations received from the local governing body. Applicants with prior alligator hunting violations will be rejected.

2. Nuisance alligator hunters shall purchase a valid alligator hunter license and are bound by all laws, rules and regulations governing alligator hunting with the exception that nuisance alligators may be taken at anytime. Violation of this part is a class 2 violation as described in Title 56.

3. Nuisance alligator complaints will be verified by

Department personnel prior to being approved for removal. Violation of this part is a class 2 violation as described in Title 56.

4. Tags will be issued to nuisance alligator hunters for immediate attachment to alligators when taken. Nuisance alligator hunters will make every attempt possible to catch nuisance alligators and relocate to natural habitat selected by the Department. It is unlawful for any nuisance alligator captured alive to be sold or otherwise disposed of on an alligator farm. Alligators and alligator parts taken and tagged under these provisions may be retained and sold by the nuisance alligator hunter as any other legally taken wild alligator or alligator part. Violation of this part is a class 7A violation as described in Title 56.

5. Nuisance alligator hunters may take alligators by any means prescribed by the Department. Failure to comply with Departmental instructions may result in immediate termination of the individual's participation in the nuisance alligator program. Violation of this part is a class 2 violation as described in Title 56.

#### K. Report Requirements.

1. Report forms provided by the Department must be completed and filed with the Department by all persons who have been issued an alligator hunter's license, fur buyer's license, fur dealer's license, nongame quadruped exhibitor's license, nongame quadruped breeder's license, alligator parts dealer's license, or alligator egg collection permit in accordance with this Subsection. Reports shall include but not be limited to the information specified in this Subsection.

2. Alligator hunters receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(a) Complete an official alligator parts transaction form furnished by the Department for each alligator part transaction. These forms shall be submitted to the Department within 30 days following the close of the season and thereafter at 60-day intervals until all parts are sold.

(b) Complete an official lost tag form, furnished by the Department for any hide tags lost or stolen. These forms shall be submitted to the Department within 15 days following the close of the season. Lost or stolen tags will not be replaced.

(c) All unused tags must be returned to the Department

within 15 days following the close of the season. Violation of this requirement shall result in no license or alligator tags being issued to the violator for a period of one year.

(d) The Department must be notified within 15 days following the close of the season, of any alligator hides not sold to a fur buyer or fur dealer on official forms provided by the Department.

(e) Each licensed alligator hunter selling alligator parts to a person or a restaurant shall provide that person with a bill of sale for each transaction.

(f) All records of transactions involving alligator parts of alligator hunters shall be available for inspection by the Department.

Violation of this part is a class 2 violation as described in Title 56.

3. A nuisance alligator hunter shall comply with the same report requirements as an alligator hunter and complete any other reports required by the Department. Violation of this requirement shall result in immediate termination of nuisance alligator hunter status. Violation of this part is a class 2 violation as described in Title 56.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(a) Complete an official alligator parts transaction form, furnished by the Department for each alligator part transaction. These forms shall be submitted to the Department within 30 days following the last day of the year that issued tags are valid and thereafter at 60-day intervals until all parts are sold. Violation of this part is a class 2 violation as described in Title 56.

(b) Complete an official lost tag form, furnished by the Department for any hide tags lost or stolen. These forms shall be submitted to the Department within 15 days following the last day of the year that issued tags are valid. Lost or stolen tags will not be replaced. Violation of this part is a class 2 violation as described in Title 56.

(c) All unused hide tags must be returned to the Department within 15 days following the last day of the year that issued tags are valid. Violation of this requirement shall result in the revocation of the nongame quadruped breeder's license. Violation of this part is



a class 2 violation as described in Title 56.

(d) The Department must be notified within 15 days following the last day of the year that issued tags are valid of any alligator hide not sold to a fur buyer or fur dealer on official forms provided by the Department. Violation of this part is a class 2 violation as described in Title 56.

(e) Each alligator farmer shall report annually, no later than December 31, on an official form provided by the Department, all activities that have occurred on the farm for the past year including but not limited to the number of live alligators as of that date, separated by sizes, the number of eggs collected and hatched, the purchase and sale of alligators for the past year and the numbers of alligators lost. Failure to complete this form properly and completely will result in non renewal of the nongame quadruped breeder's license. Violation of this part is a class 3 violation as described in Title 56.

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

5. Fur buyers and fur dealers engaged in the business of buying and selling alligator hides must keep within the state a complete record on forms provided by the Department, all purchases and sales made of alligator hides as described in Title 56, and;

(a) Every buyer or dealer having undressed alligator hides in his possession after the close of each open season shall file with the Department within 60 days or prior to shipping out of state, a complete report, on forms provided by the Department, a detailed description of alligator hides then owned or held in possession as owner or agent.

Violation of this part is a class 3 violation as described in Title 56.

6. Fur dealers engaged in the business of buying and selling alligator hides must maintain complete records of alligator hides purchased inside and outside the state as described in Title 56. Failure to maintain complete records and to pay the required severance tax subjects any dealer to the full penalties provided and the immediate revocation of his license by the Department. No license shall be issued to a dealer who has not paid the tax for the preceding year. Violation of this part is a class 2 violation as described in Title 56.

7. Alligator parts dealers purchasing alligator parts, shall complete an official alligator parts purchase form for each purchase. Alligator parts dealers selling alligator parts, shall complete an official alligator parts sale form for each sale. These forms shall be furnished by the Department and shall be submitted to the Department within 30 days following the close of the open season and at 60-day intervals until final disposition of all wild parts. These forms shall be submitted annually for all farm raised alligator parts, and;

(a) Alligator parts dealers shall furnish a bill of sale to anyone purchasing alligator parts.

(b) The records of transactions involving alligator parts shall be available for inspection by the Department and shall be maintained complete for a period of one year following any transaction.

Violation of this part is a class 2 violation as described in Title 56.

8. Any alligator parts retailer or restaurant purchasing alligator parts shall maintain a bill of sale for each purchase for a period of six months after such purchase and these records shall be available for inspection by the Department. Violation of this part is a class 2 violation as described in Title 56.

#### L. Alligator Meat.

1. Alligator meat from lawfully taken alligators can only be sold according to state and federal laws, Louisiana Department of Health and Hospitals regulations and Louisiana Wildlife and Fisheries Commission regulations. Violation of this part is a class 2 violation as described in Title 56.

2. Alligator meat processed in the State of Louisiana and sold for human consumption must be processed in a licensed facility approved by the Louisiana Department of Health and Hospitals and the facility must display a valid permit issued by that agency. Violation of this part is a class 2 violation as

described in Title 56.

3. Alligator carcasses being shipped whole shall be tagged with an alligator parts tag properly identifying the carcasses and shall remain on the carcasses until the processing makes identification impossible. Violation of this part is a class 3 violation as described in Title 56.

4. Alligator hunters and alligator farmers involved in alligator parts transactions with individual consumers shall properly tag all alligator parts and the parts tag shall remain attached until final disposition. Violation of this part is a class 3 violation as described in Title 56.

5. All alligator meat processed for sale must be packaged in suitable containers which identifies the contents as alligator meat, is marked with a valid Department license number and comply with all state and federal packaging and labeling requirements. Violation of this part is a class 3 violation as described in Title 56.

6. All alligator meat shipped into the state and being offered for sale must meet all of Louisiana's health, processing, packaging and labeling requirements. Violation of this part is a class 3 violation as described in Title 56.

#### M. Disposal of Alligators by the Department.

1. The Department may sell alligators, alligator eggs or parts of alligators taken for any purpose deemed necessary for proper management of the species pursuant to Title 56.

2. The Department may dispose of alligators, alligator eggs, or parts of alligators by donation or lending to a scientific institution or other institutions that the Department deems have need for such alligators, however these institutions cannot sell or barter these animals and must be returned to the Department at the conclusion of the program or need.

3. Confiscated alligator hides and parts may be destroyed by the Department pending the outcome of the criminal trial.

4. Confiscated live alligator eggs or alligators will be cared for by the Department and released in suitable alligator habitat when and where they can survive. All costs incurred by the Department in the maintenance of these eggs and animals in captivity shall be the responsibility of the offender and restitution shall be made to the Department.

#### N. Alligator Egg Collection.

1. Alligator egg collection permits are a three party permit

between the Department, the permittee and a landowner/manager who owns or leases alligator nesting habitat determined by Department biologists to be capable of producing alligator eggs. The numbers of eggs to be collected will be based upon biological management criteria and will be determined annually by technical staff of the Department. The Department only estimates the numbers of eggs available and assumes no responsibility or offers no guarantee that those numbers of eggs will be available. Alligator egg collection permits may be obtained upon application to the Department on forms provided by the Department. The annual deadline for submitting applications for Alligator Egg Collection Permits is June 1. This program is experimental and may be changed at any time based on biological data to insure for proper management of the wild alligator population.

2. Alligator egg collection permits may be issued by the Department provided:

(a) Permittee is a properly licensed alligator farmer and meets all applicable requirements in Subsection 0 of these regulations (Alligator Farm Facility Requirements).

(b) All land documentation required on the alligator egg collection permit has been presented to the Department.

(c) Department biologists determine the properties described on the permit application are indeed alligator nesting habitat and can sustain alligator egg collections.

(d) Applicant has obtained all legal and necessary signatures from landowners/land managers.

Violation of this part is a class 7A violation as described in Title 56.

3. It is unlawful for an alligator farmer or a permitted Designated Collection Agent to collect eggs from properties other than those described in the alligator egg collection permit. Violation of this part is a class 7A violation as described in Title 56.

4. An alligator farmer or designated collection agent in the act of collecting or possessing alligator eggs must possess on his or her person a copy of the fully executed alligator egg collection permit. The designated collection agent must also possess a valid designated collection agent permit. Violation of this part is a class 7A violation as described in Title 56.

5. Collection of wild alligator eggs can only be made after contacting the appropriate Department Enforcement Agent no

less than 24 hours prior to each collection trip. Violation of this part is a class 7A violation as described in Title 56.

6. Alligator eggs can only be collected from the wild from official sunrise to official sunset and only during the established alligator egg collection season. Violation of this part is a class 7A violation as described in Title 56.

7. Alligator eggs collected from the wild must be collected and transported in a manner which insures the greatest survival of viable eggs as determined by Department biologists. Violation of this part is a class 7A violation as described in Title 56.

8. Each clutch of alligator eggs collected should be maintained as a separate entity from time of collection through incubation and hatching.

9. Failure to hatch at least 70% of viable alligator eggs collected from the wild shall be considered a waste of Louisiana's natural resources. All alligator egg collection permits shall be revoked and no new permits issued should an alligator farmer be found to waste the resources of this state for two consecutive years.

10. Alligator egg collection permits shall be revoked and no new permits issued to alligator farmers who fail to average a minimum hatchling survival rate of 85% for two consecutive years.

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area within a maximum time of two (2) years from date of hatching. Each alligator shall be a minimum of ~~48"~~ 36" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between ~~April 15~~ March 15 and ~~September 15~~ September 30 of each calendar year provided that environmental conditions as determined by the Department are favorable for survival of the released alligators. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies

involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of ~~48~~<sup>48"</sup> alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

#### O. Alligator Farm Facility Requirements.

1. All first time applicants for a nongame quadruped breeder's or exhibitor's license who will house alligators on their premises shall show compliance of the following minimum facilities as applicable to their particular operation during a required facility examination by Department personnel prior to license issuance:

(a) Secured premises with adequate barriers to prevent escape of enclosed alligators and entry by alligators from outside the farm and to deter theft of alligators.

(b) Source of clean, fresh water which shall be adequate to ensure for proper care of all alligator stock and facilities. This requirement shall be determined by Department personnel.

(c) Provisions for both dry area and pooled water within the secured area adequate for the numbers of alligators to be housed on the premises. This requirement will be determined by Department personnel.

(d) Provision for winter protection, either through adequate denning space or an enclosed, controlled-temperature environment of a design acceptable to the Department.

(e) All controlled-temperature alligator sheds shall be of a design acceptable to the Department. Each shed shall be capable of maintaining a minimum constant temperature of 80 degrees fahrenheit. Minimum space requirements for alligators housed in the shed shall be:

(i) One square foot of space shall be required for each alligator less than 24" in length.

(ii) Three square feet of space shall be required for each alligator measuring 25" to 48" in length.

(iii) One additional square foot of space shall be required for each additional 6 inches of alligator length for alligators above four feet in length.

(f) All alligator egg incubators shall be of a design acceptable to the Department. Each incubator shall maintain a water and air temperature of 85 to 91 degrees fahrenheit during the egg incubation.

(g) Applicant must be in compliance with all laws and regulations pertaining to zoning, construction, health and environmental standards and must possess any and all applicable permits and licenses.

(h) All alligator facilities should be constructed in a suitable location so as to minimize contact with people.

2. Following initial issuance of applicable license, all applicable facility requirements shall be adhered to and Department personnel have the authority to inspect any and all of the facilities at any time. Failure to adhere to the requirements shall be a violation of these rules and violators will be given 60 days to correct the problem. Failure to comply shall result in confiscation of all animals and/or closure of all facilities. Violation of this part is a class 7A violation as described in Title 56.

3. All alligator farmers possessing alligator eggs outside an alligator nest should house these eggs in identifiable original clutch groups in an incubator providing constant temperature and humidity conditions. All incubators used to incubate alligator eggs shall be of a design to allow for maximum temperature control and conform to Department requirements to allow for the maximum hatching success. Violation of this part is a class 7A violation as described in Title 56.

4. All alligator farmers possessing alligator hatchlings shall house hatchlings in controlled environmental chambers capable of maintaining a minimum temperature of 80 degrees fahrenheit year round and containing dry and wet areas of sufficient surface area to permit all alligators to completely submerge in water and completely exit from water and orient in any direction, without touching the sides of the chambers. All alligators 48" or less in length shall be housed in environmental chambers unless a special permit is issued by the Department to move them to outside growth areas. Violation of this part is a class 7A violation as described in Title 56.

5. Alligator farmers shall house alligators of different lengths into at least three groups, providing separation for

all alligators less than two feet in length, two to four feet in length, and over four feet in length. Land and water areas sufficient for complete submersion or complete exit from water shall be provided for each group of alligators held. Violation of this part is a class 7A violation as described in Title 56.

6. Nesting activity of captive alligators shall be recorded with weekly accounts of nests constructed, eggs collected, number of viable eggs set and hatching success. Violation of this part is a class 3 violation as described in Title 56.

7. Complete written records shall be maintained by the license holder and shall be submitted to the Department on a standardized annual report form provided by the Department, which shall be provided as part of the annual license renewal. These reports must be submitted no later than December 31 of each year. Violation of this part is a class 3 violation as described in Title 56.

8. All facilities, alligator stock, and records are subject to examination by Department personnel prior to permitting and thereafter during farm operation. Violation of this part is a class 7A violation as described in Title 56.

9. It shall be unlawful for alligator eggs or alligators to be moved from a licensed premises without approval of the Department. Violation of this part is a class 7A violation as described in Title 56.

#### P. Exceptions.

1. These regulations do not require licenses, labels, or permits for consumers who purchase or possess goods processed or manufactured from alligators which have been legally taken or raised, provided that such goods are used by the consumer and are not sold or bartered in conjunction with a wholesale or retail business activity.

2. The Department or an authorized representative of the Department may take by any means and possess alligators or parts of alligators while in the performance of official duties.

3. These regulations shall not prohibit a person from killing an alligator in immediate defense of his or her life or the lives of others. Alligators killed under this provision must be reported to the Department within 24 hours. Violation of this part is a class 2 violation as described in Title 56.

4. These regulations do not require a state license or permit of persons who deal in finished alligator leather products.



**Q. Penalty for Violation.**

1. In order to facilitate greater control over alligator trafficking, the Louisiana Department of Wildlife and Fisheries finds that public welfare imperatively requires emergency action when the provisions of these regulations are violated.

2. If citations are issued for a violation of these regulations, all licenses and tags belonging to or in the possession of the cited party shall be suspended until such time as the said party appears before Department officials for purposes of reviewing the citations issued. The Secretary, after reviewing the proceedings may reinstate or revoke the suspension. The alleged violator may lose all rights and privileges to participate in this program if found guilty by criminal or civil process.

3. The Department shall have the authority to confiscate any alligators or alligator eggs from any person or facility that is not caring for the alligators or alligator eggs in a humane manner. Inhumane treatment of alligators or alligator eggs consists but is not limited to conditions which could have an adverse effect upon the alligators or alligator eggs such as sanitary conditions, temperature control, feeding, or overcrowding. The confiscated alligators and alligator eggs shall be disposed of as the Department deems necessary. Inhumane treatment of alligators or alligator eggs is a class 7A violation as described in Title 56.

4. In addition to all penalties set forth herein, violators may be subject to criminal prosecution under provisions of the Louisiana Revised Statutes, particularly Titles 14 and 56 and under Federal law.

5. In addition to all other penalties provided by these rules and by statute, violation of any part of these regulations may result in the suspension and/or revocation of any or all alligator licenses held by the violator and, as further penalty, for serious, repeat, or multiple violations, the Department shall have the right to deny a violator any and all licenses relating to alligators for a period not to exceed three (3) years.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

**HISTORICAL NOTE:** Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16: (1990).

Warren Pol  
Chairman

Table 1. Size class and return rate as determined by  
Taylor and Neal (1984).

Size	Percent Return
36"	29.6%
38"	27.5%
40"	25.4%
42"	23.3%
44"	21.2%
46"	19.1%
48"	17.0%
50"	15.8%
52"	14.6%
54"	13.4%
56"	12.2%
58"	11.0%
60"	9.8%



WILLIAM J. GUSTE, JR.  
ATTORNEY GENERAL

State of Louisiana  
DEPARTMENT OF JUSTICE  
LANDS AND NATURAL RESOURCES DIVISION  
POST OFFICE BOX 94095

Baton Rouge, Louisiana 70804-9095

TELEPHONE (504) 342-4604  
FAX (504) 342-3885

April 3, 1991

Mr. Donald Puckett  
General Counsel  
Dept. of Wildlife and Fisheries  
P. O. Box 9800  
Baton Rouge, LA 70898-9000

Dear Don:

Attached are my comments concerning the proposed shell dredging lease. These are comments based upon my review representing both the Mineral Board and the Coastal Management Program. I have written the comments in the margins and believe they are self-explanatory. I have only provided those pages on which I have comments.

Four other comments which we discussed by telephone are:

1. The term "lease year" on page 11 needs to be rewritten.
2. Pursuant especially to Section 6, I believe the term "Department" needs to be defined to include the Departments authorized representative (or similar language). The reason for this is that most of the information required under Section 6 will be required by the Coastal Management Program under its permits. Such language will alleviate duplicity in providing this information to both agencies and/or allow more efficient transfer of the information.
3. I have also attached a copy of the mineral lease no warranty of title provision.
4. You may wish to consider adding a offsite restoration provision in the lease. While such a provision is in the present Coastal Use Permit, it is as yet unclear whether the present permit would carry over to the new lease or whether the lessee would need to obtain a new permit. Additionally, Coastal use permits are subject to amendment, thus

## TRAVEL EXPENSE ACCOUNT

The statement on the reverse side must be completely filled in by the payee prior to signature. Receipts must be attached as required by travel regulations.

DATE OF CLAIM 1 4/1/91	DOCUMENT NUMBER 7
OFFICE 2 Wildlife	
DIVISION 92 Game	
SECTION	
FOR PERIOD March 1-31, 19	

## Expense Summary

TRANSPORTATION	LUMP SUM ALLOWANCE		\$	
	AUTOMOBILE	MI. @	\$	
	AIRPLANE		\$	
	OTHER		\$	
SUBSISTENCE	LODGING		\$	
	MEALS		\$ 20.00	\$ 20.00
TOLLS AND PARKING				\$
TIPS				\$
OTHER EXPENSES				\$
TOTAL REIMBURSABLE COST				\$ 20.00

### Certificate of Payee

I certify that this expense account is just and true in all respects; that the distances shown were actually and necessarily traveled on the date specified on official business only; that the expenses charged were incurred on official business of the State and none of the expenses have been paid by the State; and that the full amount is justly due.

SIGNED BY PAYEE: W. M. Zato TITLE OR POSITION Area Super. III OFFICIAL DOMICILE Quachita P.  
Certificate of Head of Budget Unit Om 4-391

I certify that the charges set forth on this expense account have been examined by me; that the services for which the charges are made were necessary and proper; and that, in my opinion, the amounts claimed are just and reasonable.

SIGNED BY	NAME	TITLE	
-----------	------	-------	---

Approved for Payment

AUDITED BY:	UNDER SECRETARY, ASST. SECRETARY OR DESIGNEE
-------------	--

REMARKS BY HEAD OF BUDGET UNIT IN EXPLANATION OF UNUSUAL ITEMS, ETC. ☐ CHECK IF SPECIAL AUTHORIZATION

39

		<div>EFFECTIVE</div>		<div>MO 10</div>	<div>YR 9</div>		
		<div>41</div>	<div>44</div>	<div>49</div>	<div>51</div>		
40	AGENCY NO.	COST CENTER NO.	OBJECT	OBJECT DETAIL	PROJECT NO.	AMOUNT	
2	5113	229110	22116	012	511315505	20.00	

CHECK # \_\_\_\_\_  
DATE \_\_\_\_\_

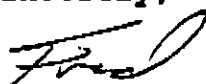
Don Puckett Letter  
April 3, 1991  
page -2-

there is no guarantee at present the restoration provision will remain the same. In order to inform prospective applicants of the restoration requirement it may be preferable to add the provision in the lease.

After you have taken into consideration these comments, please provide me with a final copy of the lease and I will submit it to the Mineral Board for approval.

Should you have any questions please give me a call.

Sincerely,



Frederick C. Whitrock  
Assistant Attorney General

FCW/scp

encls.

The State Mineral Board, herein represented by ~~its~~ Chairman, ~~T. Jay Seale, III~~, appears herein for the purpose of indicating its approval of said lease.

The State of Louisiana represented herein by ~~Dennis~~<sup>the</sup> ~~Stine~~, Commissioner of the Division of Administration, appears herein pursuant to the provisions of Act 282 of 1989.

In connection therewith Lessee shall have the right to use <sup>as</sup> ~~so~~ much of the property as may be reasonably necessary for such operations, subject to restrictions contained in this lease or applicable permits. The leased property, situated in the State of Louisiana, is more fully described as follows:

All water bottoms located in the Parishes of St. Mary, Iberia and Terrebonne which lie within an area beginning at a point on the shore of East Cote Blanche Bay at Longitude 91° 37' West approximately two and three-quarter miles east of Marone Point, thence easterly and southerly along the perimeter of East Cote Blanche Bay to Point Chevreuil, then continuing northeasterly along the perimeter of Atchafalaya Bay to Wax Lake Outlet, then southeasterly across Wax Lake Outlet to the western point of Belle Isle, then along the perimeter of Atchafalaya Bay to the mouth of the Atchafalaya River, thence southwesterly along the Atchafalaya River Channel through Atchafalaya Bay to a point in the Atchafalaya River channel located at Latitude 29° 21' North, Longitude 91° 24' 07" West, thence southeasterly to Pointe-au-Fer, thence in a southeasterly direction along the shore of Pointe-au-Fer Island to the mouth of Oyster Bayou, thence in a southeasterly direction from the mouth of Oyster Bayou along the shoreline of Terrebonne Parish to Longitude 90° 50' West, thence south along Longitude 90° 50' to the outer boundary of the State of Louisiana, thence in a northwesterly direction in the Gulf of Mexico along the outer boundary of the State of Louisiana to its

intersection with Longitude 91° 37', thence north along Longitude 91° 37' to the point of beginning; containing approximately 287,702 acres, as shown on the attached charts designated as Exhibit A which are made a part hereof, and subject to all restrictions reflected thereon.

#### 1. TERM

The rights and privileges herein granted shall be for a period of three (3) years beginning \_\_\_\_\_, 1991 and ending \_\_\_\_\_, 1994. This lease shall be subject to all existing oil and gas pipeline rights-of-way, mineral leases and servitudes granted by third parties and the State of Louisiana through the Department of Natural Resources, <sup>Division of Administration, and the State Mine Pool</sup> located in the area hereinabove described and of record as of the date of this lease. Nothing herein shall preclude the State of Louisiana from granting future oil and gas pipeline rights-of-way, mineral leases and servitudes to third parties.

#### 2. ROYALTY

As consideration under this lease, LESSEE shall pay the Department of Wildlife and Fisheries, (hereinafter referred to as the Department), a royalty of \_\_\_\_\_ (fractional portion) of the "selling price of the shell produced", from the above described water bottoms which is defined as the price of the shell FOB dredge site, exclusive of any transportation costs; be it further provided that for purposes of this lease, and throughout the term of this lease, the "selling price of the shell produced" shall be deemed to be never less than \_\_\_\_\_ (\$ \_\_\_\_\_) per cubic yard.

#### 4. EQUIPMENT AND PERSONNEL

LESSEE warrants that it has currently under its exclusive ownership and/or control, or will have by the effective date of this lease, an adequate supply of dredges, adequately powered tow boats for the operating conditions, barges, cranes, machinery, tools and implements of every kind or character which may be necessary to the taking and removal of shell and/or shell deposits under the terms of his Agreement. LESSEE further warrants that it has in its employ a number of skilled personnel sufficient to adequately perform the requirements of this contract. LESSEE also warrants that it has, or will acquire, valid permits issued by the United States Army Corps of Engineers, the Louisiana Department of Natural Resources, and any other agencies as may be required by law.

#### 5. LIABILITY, HOLD-HARMLESS, DEFENSE AND INSURANCE

*State of Louisiana, all of its Departments, Agencies, Bd. of, Commission and Employees, including the*

It is expressly understood that the Department and the Commission shall incur no liability or expense of any kind in connection with the ownership, control and operation of such equipment by LESSEE, including but not limited to all court costs, cost of defense and any judgments arising from any claims, actions or causes of action by all third parties, LESSEE, its employees, agents, officers, directors, successors and assigns, their employees, agents, officers and directors caused by LESSEE, its employees, agents, successors and assigns in the exercise of the dredging rights and privileges granted by this lease.

LESSEE agrees that it shall be liable and responsible for property damage or personal injury, whether to property of the State of Louisiana or of any individual, firm or corporation, or to any person or persons, caused by the negligence or breach



of contract of LESSEE or by its agents, directors or employees of <sup>same</sup> any kind. LESSEE, its successors and assigns agree to indemnify<sup>^</sup> the Department and the Commission and their officers and employees for all such damage or damages and to hold the Department harmless from all such damage or damages caused by such LESSEE, including assuming the cost and expense of defending all claims, actions, or causes of action which are or may be filed seeking such damage or damages.

<sup>same</sup> It is expressly provided that neither<sup>^</sup> the Department nor the Commission shall have <sup>no</sup> ~~any~~ responsibility or liability relative to navigation of LESSEE'S vessels, nor shall the Department or the Commission have any responsibility or liability to inform or advise LESSEE as to the existence or location of any pipelines, drilling platforms, bridges, causeways, docks, piers or other structures, located on the property which is included within this lease. It is further expressly provided that LESSEE shall bear sole responsibility for the navigation of its vessels and for determining the existence and location of all pipelines, drilling platforms, bridges, causeways, docks, piers or other structures which may be located on or within the property leased herein.

It is further provided that LESSEE will defend, indemnify and hold harmless the <sup>same</sup> ~~the~~ Department and the Commission and their officers and employees for any claims, demands, liabilities or causes of action arising out of LESSEE'S taking of shells, including those arising out of the navigation of LESSEE'S vessels, or collisions between LESSEE'S vessels and other vessels, pipelines, drilling platforms, bridges, causeways, docks, piers or other structures, even if such action is alleged to have been brought about solely, or in part, by the negligence of the Department. It is expressly provided, however, that LESSEE shall not be obligated to defend, indemnify and hold the

Department or Commission harmless for any claim which does not directly involve LESSEE'S vessels, equipment and/or operations. It is further provided that LESSEE shall not be obligated to defend, indemnify and hold harmless the Department or Commission for any claim for worker's compensation filed by any of their employees; provided, however, that nothing herein shall preclude the Department or the Commission from maintaining an action for recovery against the LESSEE under the laws of the State of Louisiana, including LSA R.S. 23:1101 et seq. LESSEE shall specifically obtain insurance coverage of this indemnity provision and shall furnish the Department with satisfactory evidence of such coverage, from a company that A. M. Best and Company has given a "B" or better rating, of not less than FIFTEEN MILLION (\$15,000,000.00) DOLLARS. LESSEE agrees to name the Department and the Commission and their officers and employees as an additional insured under this policy of insurance, and to furnish the Department a copy of same.

In all suits arising out of this contract, the parties hereto agree that Louisiana law shall govern.

*\* - See comments on cover letter*

#### 6. OPERATION, LOCATION AND MOVEMENT OF VESSELS

LESSEE further agrees, binds and obligates itself before commencing operations in accordance with this lease, to furnish the Department a map, plat or chart, to scale, as specified by the Department, of the major areas of the beds and water bottoms hereinabove described and from which LESSEE shall take and remove shells and/or shell deposits, which map, plat or chart shall have marked thereon the location at which LESSEE shall commence its operations; and from time to time, LESSEE shall notify the Department, in writing, of any and every major change of location of its operations, and by correcting said map,

plat or chart aforesaid by marking its new major areas of operation as well as each and every former major area of operation under this lease.

At the Department's request, LESSEE shall notify the Department in writing, at least ten (10) days prior to putting into actual service any dredge, barge or tow boat used in the removal of shells and/or shell deposits, together with the capacity of each, and the Department may thereupon verify the measurements of said barges. In case the giving of such notice by the LESSEE becomes impractical, the LESSEE shall give written notice within ten (10) days after such vessel is placed in service.

Each operating dredge shall be required to have a tamper-proof device, as specified by the Department, installed on board which will plot, map and record all movements and locations of the dredge vessel. Location of the dredge shall be recorded on an hourly basis in Loran-C coordinates. <sup>at a minimum,</sup>

*Don - Coastal Management permits may be more restrictive. A*

Each operating dredge shall be required to have on board at all times a person with the authority to stop and/or move the dredge and/or other equipment upon notification by the designated representative(s) of the Department.

LESSEE shall report on a calendar weekly basis, on a form provided by the Department, the daily location(s) of dredging activities and any other information required by the Department. A calendar week shall be defined as Sunday through Saturday. These report forms shall be delivered to the Department on the Monday following the end of the calendar week, or postmarked by that date.

in the sum of TWO MILLION FIVE HUNDRED THIRTY ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$2,531,250) with a solvent surety company authorized to do business in Louisiana as surety thereon, conditioned that LESSEE will faithfully, promptly and diligently carry out and perform all of the conditions and obligations herein imposed, described and assumed by this lease, which bond shall be renewable annually during the base term of this lease or any extended period thereof. *This bond shall not be released except with written permission of the Commission. If written permission is not granted by the Commission within sixty (60) days after termination of this lease, such permission shall be presumed.*

## 12. RELINQUISHMENT OF DATA

Upon termination of this lease, either by the expiration of its term or by forfeiture or revocation, or for any other cause, LESSEE agrees and binds itself immediately to turn over to the State Mineral Board all maps, records of borings, and other data relative to said shells and/or shell deposits which it may have obtained, and such maps, records, and other data shall be and remain the property of the State Mineral Board. Any information furnished by LESSEE to the State Mineral Board or otherwise examined and studied by the Department shall be retained in confidence. Nothing in this Article shall require that LESSEE furnish or permit inspection of any interpretation of any of the types of data referred to above, and nothing herein shall be construed as requiring LESSEE to secure any such data solely for the purposes of this Article. The Department's representatives shall have access at all reasonable times to examine and inspect LESSEE'S records and operations pertaining to the leased premises or lands pooled therewith.

### 13. REMOVAL OF SHELLS FOR SEEDING PURPOSES

The Department specially reserves the right to permit oyster growers to remove such oyster and/or clam shells from any of said water bottoms or reefs within the area above described in this lease as may be required by such oyster growers for seeding purposes only, and with which reservation LESSEE acquiesces and consents.

LESSEE agrees that in the event the Department shall desire to permit oyster growers to remove oyster and/or clam shells as provided, the Department will furnish to such oyster growers a written order to the aforesaid LESSEE authorizing and directing LESSEE to permit the removal of oyster and/or clam shells by said oyster and/or clam growers.

### 14. RULES AND REGULATIONS; SUSPENSION OF OPERATIONS

The Department specifically reserves the right to establish rules and regulations on dredging areas in the interest of living resources, *The Dept. further specifically reserves the right to* and suspend the removal of shells and/or other shell deposits from the above described beds or water bottoms by LESSEE and its successors and assigns in the event that the dredging operations by LESSEE and its successors and assigns violate said regulations. Additionally, the Department specifically reserves the right to suspend the removal of shell and/or shell deposits from the above described beds or water bottoms in the event that detrimental environmental impacts occur or threaten to occur. The suspension aforesaid shall remain effective and in full force and effect for such duration or period of time as said dredging operations continue to be in violation of said regulations, cause or produce the damage or damages herein provided and until corrected by LESSEE, and its

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission is hereby giving notice of its intent to amend and adopt the following rule regarding Oyster Leases.

TITLE 76

PART VII. FISH AND OTHER AQUATIC LIFE

Chapter 5. Oysters

Section 501. Oyster Leases

A. Office Policies and Procedures

1. Office hours will be from 8 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.

2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

B. The taking of Oyster Lease Applications

1. There shall be a 50-foot buffer zone established between new leases. However, by mutual written consent of applicants of adjacent water bottoms the lease boundaries may be common.

a. Where distances between oyster leases are 200 feet or less, no applications or leases shall be taken or issued except

*on between oyster  
leases  
and the  
shoreline*

that the intervening space may be shared equally by the existing leases or applicants if properly applied for and leased in accordance with existing policies and practices.

b. No new application will be taken or lease issued whose length exceeds its narrowest width by more than a factor of three except as follows:

i. between existing leases where all available water bottoms are taken;

ii. in bayous (or similar configurations connections or cuts between bays, lakes and ponds, etc.) where all available water bottoms are taken with a subservient clause prohibiting an impedance of reasonable navigation;

~~iii. a lessee may at the time of renewal request to take up his lease plus existing shoreline erosion not to exceed 100 feet along any shoreline providing that it does not conflict with an existing lease or application.~~

~~iv. a lessee may once and only once during the life of a lease submit a revised survey by a private surveyor to take up existing erosion not to exceed 100 feet along any shoreline providing that it does not conflict with an existing lease or application.~~

c. Any application for an oyster lease may be contoured to follow the shoreline.

d. No application will be taken to incorporate an existing lease or leases plus additional acreage when less than three (3) years remain in the terms(s) of said lease or leases.

2. If an applicant does not keep his appointment with a surveyor his application will be cancelled. The applicant will be notified of action taken and be given an opportunity to reinstate the application with an additional payment of the survey fee within 14 days of the cancellation notice. When the department surveyor cannot keep his appointment all efforts will be made to notify the applicant;

3. a. If any survey of existing leases by the surveyor of the department shows an overlap, the department will abstract the leases involved and eliminate the overlap, giving the area to the longest continuously uninterrupted lease and shall notify the lessees of the action.

~~b. If any survey of an application for new areas shows an overlap of an existing lease and the applicant has not applied for restakes of the overlapped lease the application will be cancelled. The applicant will be notified of the action taken and be given any opportunity to reinstate the application with an additional payment~~



~~of the survey fee within 14 days of the cancellation notice. An application cancelled for overlapping an existing lease will not be rescheduled until the restakes required to resolve the overlap have been applied for.~~

b. All surveys for new area will be computed at a fifty (50 foot offset from all existing leases. If applicant wishes to share common boundaries with the adjacent lease or leases, the applicant must submit to the survey section written consent from the adjacent lease owner or owners (even if lease or leases are in same name as the applicant) no later than Thursday prior to the week the work is scheduled.

4. All applicants must appear in this office to place applications for survey and lease, or provide power of attorney to agents to act in their behalf.

5. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1 of each year.

6. A fee of \$10 per lease will be charges for transfer of oyster lease.

7. A fee for all extra maps, leases, plats or documents, will be charged as follows:

All maps

-\$ 10 per copy

Plats	-\$ 5 per copy
Lease Documents	-\$ 5 per copy
Other materials	-\$ 1 per copy
Computations	-\$ 2 per point
(Lambert to Latitude/Longitude)	

#### 8. Survey Application Fees

##### a. Survey application

fees for new leases ~~after the moratorium is lifted~~ will be as follows:

Acres	Dollars
10 or less	\$200
11 - 20	\$250
21 - 200	\$ 3.50 additional for each acre after 20
201 - 1000	\$ 2.00 additional for each acre after 200

An additional survey fee of \$10 for each shotpoint in excess of six, excluding shore shorts, will be paid prior to approval of any lease.

b. Survey application fees on leases expiring by 15-year limitation are established as follows:

Acres	Dollars
10 or less	\$150
11 - 20	\$250
21 - 200	\$ 2.50 additional for each acre after 20
201 - 1000	\$ 1.50 additional for each acre after 200

An additional survey fee of \$10 for each shotpoint in excess of six, excluding shore shots.

c. Survey application fees for RESTAKES of one's own lease are established as follows:

\$25 per shotpoint

d. Survey application fees for RESTAKES of someone else's lease are established as follows:

\$90 for the first two shotpoints

\$50 for each additional shotpoint thereafter

e. The Survey Section shall notify owner(s) of lease to be restaked.

~~9. If an oyster farmer knowingly has a private surveyor survey over an existing lease or application, that application is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one-year period.~~

C. Private Surveyors Surveying Oyster leases for Oyster Farmer

1. All surveyors must appear in person in the office of the Survey Section of the Department of Wildlife and Fisheries to research information pertinent to their surveys.

2. Surveyor to be charged the basic rate for copies of documents needed.

3. All controls and corners of oyster surveys to be tied into the Louisiana State Plane Coordinates System.

4. All surveys must comply with R.S. 56:427B which requires the lease not to exceed the initial application by more than 10 percent compliance by negotiation with the applicant. If unacceptable application will be cancelled and all fees forfeited.

5. Surveyors to execute properly survey's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.

6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section With the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.

7. Surveyors to note in the original field notes any activity in or adjacent to or on surveyed area, or any existing structures, etc.

8. Survey plats to be drawn in black ink on forms furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same.

9. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.

10. Application number and ownership on all survey plats to be shown on original application.

11. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom and results noted on original field notes, along with tidal information.

12. Use standard signs and symbols.

~~13. The Louisiana Department of Wildlife and Fisheries Survey Section will provide all information needed to perform the survey.~~

13. If an oyster farmer knowingly has a private surveyor survey over an existing lease, application, or land area, that application or lease is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one (1) year period. [Formerly B.9.]

14. Noncompliance with ~~Subsection C. 1-12~~ above any requirement established by law or by these rules, after 30-day notification from the department by certified mail, shall result in cancellation of the application or lease and forfeiture of all fees to the department.

D. 1. Complaints in the field are to be handled in the following manner.

a. The oyster farmer should allow the survey to be completed in all situations. The surveyor has his instructions.

b. If the oyster farmer is dissatisfied with the survey after completed, he may register his complaint with the survey office within 14 days of date of survey.

c. Survey crew is to note that the oyster farmer will complete the survey under protest at time survey is being performed.

d. If the oyster farmer prevents survey from being completed in the field, his application will be cancelled. The oyster farmer has 14 days from postdate on letter notifying him of said cancellation to come into the office and pay survey fee and have application reinstated.

~~2. In an effort to comply with R.S. 56:425D, which allows the department to settle disputes and R.S. 56:427C requiring compact leases, and policy B-1, the department has the authority to grant applications to settle boundary disputes particularly as it is associated with shoreline erosion.~~

#### E. Oyster Lease Posting Requirements

In an effort to comply with R.S. 56:430, Paragraph B, and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements.

1. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the

property or area to be posted. These signs shall be written in the English language.

2. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to 12 feet above the water level.

3. At the main entrance to the property and at no less than all corners along the boundary of said property, the party seeking to post same shall include his name or initials in addition to the lease number.

4. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.

5. In open waters all signs are to be placed facing outward.

F. 1. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled.

2. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of



applications. If the department has not been notified within 180 days the application will be cancelled and survey fees will be retained.

3. No application for lease shall be transferrable.

4. An applicant will be required to outline on a department map the area for which he wishes to apply. Pursuant to R.S. 56:427(A), each element of the verbal description written on the application must be met by the survey plat. Additionally, the survey plat must conform completely to the map outline, attached to and made a part of the application; provided, however, that deviations from the map outline (but not the verbal written description) are permitted when such a deviation would not encroach on a neighboring lease or application, or when the signed, written consent of the leaseholder or applicant whose lease or application would be affected, has been granted. In no case will an applicant survey outside of his verbal written description, except as provided in 5.a.ii. below.

5. a. In the event of department error which results in an application being taken in an area where there is a prior undisclosed application or lease which prevents the applicant from taking the full amount of acreage applied for in the area described, the following procedure shall apply: the applicant shall have the option of

i. taking all available remaining acres within the originally described area in a lease and receiving a pro rata refund of unused survey application fees for any loss of acreage; or

ii. taking all applied-for acres in one lease outside of the originally described area but in the nearest unencumbered water bottom: or

iii. if neither of the above options is acceptable to the applicant, the applicant may have his original application cancelled and receive a full refund of the survey application fee.

b. The applicant shall have 30 days from the date of notification of the conflict to exercise the above options.

c. If the applicant exercises the option as set out in Paragraph 5.a.ii above he shall be held to the amount of acres in his original application plus 10 percent.

d. In all such cases, the department shall have final approval of all relocations.

e. Before having the relocation area surveyed, it shall be necessary for the applicant to submit a new application for the area of relocation. This application shall be identified as a

"relocation" application and shall indicate the old application by number for which it is being substituted and shall also be approved in writing by the ~~chief of the Oyster Survey Section~~ Undersecretary and the chief surveyor of the department, ~~and the chief of the division.~~

f. All relocations shall follow this procedure. No survey shall proceed until the properly completed relocation application has been submitted, accepted and approved. No survey is authorized without the above procedure being followed nor shall the department be responsible for the cost of any survey performed prior to final approval of the relocated application.

6. No application for a new area will be accepted from any person not of the full age of majority (18 years).

~~———— G. 1. Upon lifting of the moratorium, a date will be set for the taking of appointments to make applications.~~

~~———— 2. Each appointment will be for a 30-minute period and will allow the applicant to make one application.~~

~~———— 3. If all applicants have received appointments and there are still openings, an applicant may go to the end of the line and make another appointment for one application. An applicant may continue to go to the end of the line and make appointments as long as applications are available.~~

~~4. In subsequent years the number of applications not surveyed by July 1 will be determined. This number will be subtracted from a base of 500 to determine the number of applicants to be accepted. On the first business day in August appointments will be taken and the rules in Paragraph G-3 and G-4 will apply.~~

H. Policy to comply with laws concerning default in payment of rent on oyster leases (Non-compliance R.S. 56:429)

1. On the first working day in February of each year, the Survey Section will compile a list of leases that are in default (R.S. 56:429). After compiling the list each owner will be notified by certified mail that his lease is in default and will be offered at public auction on the last Tuesday in March. He will also be notified that all works, improvements, betterments, and oysters on the leased area are the property of the state and that the Enforcement Division of the Louisiana Department of Wildlife and Fisheries has been so notified.

2. On the first working day following the last day of February all leases still in default will be advertised in a newspaper in the parish in which the lease is located. After the placement of the advertisement, advertisement cost will be added to the lease rent plus 10 percent. Up to and including the last second Monday in March, the leases may be reinstated by payment of

the rent due plus 10 percent and the advertising cost if applicable.

3. On the last Tuesday in March the auction will be held at a place to be designated by the Louisiana Department of Wildlife and Fisheries. The auctioneer will be the chief ~~of the Seafood Division or whoever he wishes to designate~~ surveyor or his designee. The opening bid for each lease will be the rent due plus 10 percent and advertising cost. All sales must be paid for in cash or by certified check. The auction will start with the lowest numbered lease and continue numerically until complete.

4. Any leases not sold at auction will be removed from the Survey Section maps. The area will be open and may be taken by application ~~at the yearly opening~~.

I. Procedures to comply with R.S. 56:432.

1. The Survey Section will keep an indexing system to determine the acreage held by all oyster lease holders.

2. No application will be accepted that will cause an applicant to exceed a total of 1000 acres under lease and application. Reference R.S. 56:432.

3. No lease will be issued to an oyster lease holder that will cause his account to exceed 1000 acres underlease unless he

qualified for additional acres by the ownership of oyster canning plants.

4. An oyster lease applicant will be given 30 days to reduce lease acreage prior to cancellation of any application that would cause his lease acreage to exceed 1000 acres. If the reduction is not made within 30 days the application will be cancelled and all fees retained by the department.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m. July 19, 1991 to Bettsie Baker, Undersecretary, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10) and 56:422.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 10:470 (June 1984), amended L.R. 12:844 (December 1986), amended L.R. 15:197 (March 1989), amended L.R. 17: \_\_\_\_\_ (\_\_\_\_\_, 1991).

James H. Jenkins, Jr.  
Chairman

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

In accordance with the provisions of the Administrative Procedure Act R.S. 49:950 et seq., the Department of Wildlife and Fisheries is hereby giving notice of its intention to adopt the following rule regarding Oyster Lease Moratorium.

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

Chapter 5. Oysters

Section 500. Lifting of Oyster Lease Moratorium

A. The moratorium for the taking of oyster lease applications established by the Wildlife and Fisheries Commission in April, 1978, will be permanently lifted. At that time applications for oyster leases will be accepted in accordance with all applicable statutes, rules and regulations and the procedures set out below. One week prior to the date that the moratorium is lifted, the date, time and place where applications are to be taken will be publicly advertised. For purposes of and only for purposes of this final lifting of the moratorium, the New Orleans Royal Street office will not be the site.

B. On the date for taking of applications only one applicant will be allowed in the office to take one application. The applicant will have fifteen minutes to designate the area he wishes to apply for.

C. Applications will be taken twenty-four hours a day (on

a first come basis) until the department feels the influx of people can be handled at the regular office hours at the New Orleans Office, at which time anyone will be able to take an application.

D. After applicant pays the application and survey fees he may return to the end of the line for another application.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m. July 19, 1991 to Bettsie Baker, Undersecretary, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10) and 56:422.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: ( , 1991).

James H. Jenkins, Jr.  
Chairman



COMMERCIAL SPOTTED SEATROUT

MONTHLY LANDINGS

FISHING YEAR	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	
90-91	50,545	58,273	62,549	179,397	<u>274,002</u>	<u>187,400*</u>				
89-90	183,577	132,166	146,300	325,410	73,550	76,145	46,147	92,265	26,226	
88-89	61,227	123,541	141,184	302,241	316,866	178,001	146,669	59,173	560	
87-88	<u>58,017</u>	<u>74,114</u>	<u>90,913</u>	<u>87,988</u>	<u>249,086</u>	<u>143,565</u>	<u>98,287</u>	<u>196,722</u>	<u>64,373</u>	
86-87	78,603	158,250	157,276	233,756	204,314	110,792	126,569	245,782	244,144	
85-86	15,440	66,576	88,509	214,576	219,796	68,111	120,639	246,287	254,854	
	CUMULATIVE THROUGH MONTH									
	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	CLOSING DATE
90-91	50,545	108,818	171,367	350,764	624,766	712,166*				
89-90	183,577	315,743	462,043	787,453	861,003	937,148	983,295	1,075,560	1,101,786	May 6
88-89	61,227	184,768	325,952	628,193	945,059	1,123,060	1,269,729	1,328,902	1,329,462	Apr 6
87-88	58,017	132,131	223,044	311,032	560,118	703,683	801,970	998,692	1,063,065	May 6
86-87	78,603	236,853	394,129	627,885	832,199	942,991	1,069,560	1,315,342	1,559,486	
85-86	15,440	82,016	170,525	385,101	604,897	673,008	793,647	1,039,934	1,294,788	

\*Preliminary Data

QUOTA

1.25 m lbs.

1.25 m lbs.

1.00 m lbs.

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

SECTION 155. NETTING PROHIBITION - BARTHOLOMEW LAKE

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of gill nets, trammel nets, hoop nets and fish seines in Bartholomew Lake located in Ouachita and Morehouse Parishes, Louisiana. Such action by the Commission has been requested by the Bayou DeSiard - Bayou Bartholomew Cut-off Loop Water Conservation Board who is the governing body for Bartholomew Lake; and, recommended by technical fisheries staff of the Louisiana Department of Wildlife and Fisheries.

Interested persons may submit written comments on the proposed rule to the following address before May 31, 1991: Bennie J. Fontenot, Jr., Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: ( , 1991).

James H. Jenkins, Jr.  
Chairman

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

CHAPTER I. FRESHWATER SPORT AND COMMERCIAL FISHING

SECTION 157. NETTING PROHIBITION - FALSE RIVER LAKE AND LAKE CONCORDIA

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of gill nets, trammel nets and fish seines in False River Lake located in Pointe Coupee' Parish, and in Lake Concordia located in Concordia Parish, Louisiana. Said netting ban is recommended by the technical fisheries staff of the Louisiana Department of Wildlife and Fisheries.

Interested persons may submit written comments on the proposed rule to the following address before May 31, 1991: Bennie J. Fontenot, Jr., Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: ( , 1991).

James H. Jenkins, Jr.  
Chairman

RESOLUTION

DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

WHEREAS, sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and

WHEREAS, sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contribute significantly to the preservation and protection of our natural environment, and

WHEREAS, the estimated 800,000 plus sportfishermen in Louisiana contribute in excess of one billion dollars annually to our economy, and

WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and

WHEREAS, free fishing days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.

NOW THEREFORE BE IT RESOLVED, that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially adopt this resolution and attached rules for freshwater and saltwater fishery declaring the weekend of the first full week of June each year as Free Recreational Fishing Days in the State of Louisiana,

BE IT FURTHER RESOLVED, that during these two days residents and non-residents may exercise the privileges of a licensed recreational fisherman without purchase of the any otherwise necessary recreational fishing license.

James A. Jenkins, Chairman  
Norman F. McCall, Vice Chairman  
Warren I. Pol

Bert Jones  
Pete Vujnovich  
Houston Foret

Jeff Schneider

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James A. Jenkins  
Chairman

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A. Kell McInnis III  
Acting Secretary

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

Section. 151. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, the Louisiana Wildlife and Fisheries Commission has declared the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.7.  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (April, 1991).

Jimmy Jenkins  
Chairman

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section. 339. Free Recreational Fishing Days

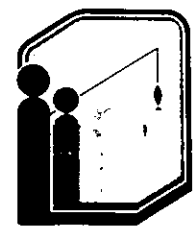
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AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.7.  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (April, 1991).

Jimmy Jenkins  
Chairman

*S. Clack / Bob Levine*  
*3-6-91*  
*PC*

*Angela*  
*for mailing*



M E M O R A N D U M

TO: Individuals Interested in  
National Fishing Week 1991

FROM: Sharon Rushton, Project Coordinator

SUBJECT: 1991 National Fishing Week

National Fishing Week  
Steering Committee

On behalf of the National Fishing Week Steering Committee, I want to thank you for your interest in National Fishing Week. It is people like yourself who help to make the celebration of National Fishing Week successful.

This year's celebration will be June 3-9th with the theme "Take A Friend Fishing".

We hope we can count on your help this coming year. Whether it is putting up posters around your community, helping to get articles in the paper, making the NFW Educational Activity book available to your local schools, taking someone fishing for the first time, or holding a fishing clinic or derby for lots of people in your area, your participation is important.

The order form I've enclosed for the 1991 National Fishing Week materials describes the type of support material available to assist you in making people in your area aware of National Fishing Week. As you will see on the order form, you can get a sample of all the materials in the Organizational Kit. By getting your orders in early, you can get your materials as soon as they are off the press.

This year, instead of one celebrity chairman for National Fishing Week, the NFW Steering Committee developed a NFW Sports Team which will be featured on the poster. The team members include:

Hank Parker, Professional Fisherman & TV Host & Captain of  
the NFW Sports Team  
Bobby Allison, Professional Race Car Driver  
Bo Jackson, Professional Baseball and Football Player  
Julie Krone, Winningest Female Jockey in Thoroughbred Racing  
Pam Shriver, Professional Tennis Player  
Bobby Wadkins, Professional Golfer

We hope your National Fishing Week event is successful. We would enjoy knowing your results.

ENFORCEMENT CASE REPORT

MARCH 1991



ENFORCEMENT CASE REPORT-MARCH, 1991

REGION I

ENFORCEMENT-122

TOTAL CASES-124

OTHER - 2

46-Angling W/O A License

26-Fish W/O Resident Pole License

3-Take Game Fish Illegally

2-Take Undersize Black Bass

1-Fail To Have Commercial License In Possession

1-Take Or Sell Commercial Fish Or Bait Species W/O  
Commercial License

1-Possess Exotic Fish

1-Use Elevated Trotlines

1-Trapping Closed Season

1-No Boat Numbers

13-No Boat Registration Certificate In Possession

3-Operate Unregistered Motorboat or Sailboat

1-Improper Boat Numbers

1-Improper Running Lights

12-Failure To Comply With PFD Requirements

1-Failure To Have PFD While Underway Under 13 Years  
(Operators Responsibility)

8-Not Abiding By Rules and Regulations On WMA

1-Driving While Intoxicated

CONFISCATIONS:

2 Buffalo Fish, 9 Crappie, 16 Bass, 1 3" Gill Net-40 Yards, 500 Ft.

Leaded Gill Net

Page (2)

REGION 2

TOTAL CASES-117

ENFORCEMENT-117

OTHER - 0

35-Angling W/O A License

48-Fish W/O Resident Pole License

2-Hunting W/O Resident License

2-Possession of Live Alligators W/O Permit

2-No Boat Numbers

16-No Boat Registration Certificate In Possession

1-Improper Boat Numbers

4-Improper Running Lights

6-Failure To Comply With PFD Requirements

1-Failure To Have PFD While Underway Under 13 Years  
(Operators Responsibility)

CONFISCATIONS:

None

REGION 3

TOTAL CASES-156

ENFORCEMENT-149

OTHER - 7

85-Angling W/O A License

10-Fish W/O Resident Pole License

1-Take Game Fish Illegally

1-Take Undersize Black Bass

1-Take Or Sell Commercial Fish Or Bait Species W/O  
Commercial License

Page (3)

REGION 3 CONT'D

- 1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License  
(Resident Or Non-Resident)
- 1-Use Elevated Trotlines
- 1-Illegal Possession Of Alligators Eggs Or Their Skins
- 2-No Boat Numbers
- 10-No Boat Registration Certificate In Possession
- 3-Operate Unregistered Motorboat
- 1-Failure To Display Valid Certificate Decal
- 4-Expired Boat Registration Certificate
- 1-Improper Boat Numbers
- 1-Improper Running Lights
- 27-Failure To Comply With PFD Requirements
- 2-Improper Or No Fire Extinguisher
- 3-Criminal Trespass On State Property
- 1-Littering

CONFISCATIONS:

1 30" Hoop Net, 25 White Bass, 1 7'2" Alligator Skin, 5 Lbs. Shrimp

REGION 4

TOTAL CASES-56

ENFORCEMENT-55

OTHER - 1

- 12-Angling W/O A License
- 6-Fish W/O Resident Pole License
- 6-Use Gear W/O Recreational Gear License
- 1-Take Game Fish Illegally

Page (4)

REGION 4 CONT'D

- 1-Take or Sell Commercial Fish Or Bait Species W/O Commercial License
- 1-Take Commercial Fish W/O Commercial Gear License
- 2-Use Lead Nets In Other Than Overflow Regions
- 1-Hunting W/Unplugged Gun Or Silencer
- 13-No Boat Registration Certificate In Possession
- 1-Operate Unregistered Motorboat or Sailboat
- 2-Expired Boat Registration Certificate
- 1-Improper Boat Numbers
- 7-Failure to Comply With PFD Requirements
- 2-Improper Or No Fire Extinguisher

CONFISCATIONS:

32 Hoop Nets With Leads, 200 yards of Webbing, 38 White Perch, 11 Bream, 6 Barfish.

REGION 5

TOTAL CASES-283

ENFORCEMENT-283

OTHER - 0

140-Boating

- 48-Angling W/O A License
- 19-Fish W/O Resident Pole License
- 2-Use Gear W/O Recreational Gear License
- 1-Not Abiding By Rules and Regulations of Commission
- 2-Take Undersize Black Bass
- 6-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License
- 5-Take Commercial Fish W/O Commercial Gear License

REGION 5 CONT'D

- 4-Take Or Possess Commercial Fish W/O A Vessel License
- 1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License  
(Resident or Non-Resident)
- 1-Transport W/O Required License (Resident Or Non-Resident)
- 1-Not Abiding By Commission Rules and Regulations
- 5-Leave Nets Unattended
- 3-Take Or Possess Undersize Commercial Fish
- 2-Fail To Have Commercial Fish Intact
- 1-Failure To Mark/Tag Nets
- 3-Possess Or Sell Undersized Crabs (Commercial/Hard Or Soft)
- 6-Take Undersize Oysters From Natural Reef
- 2-Harvest Oysters W/O Oyster Harvester License
- 2-Hunting W/O Resident License
- 2-Hunting W/Unplugged Gun Or Silencer
- 6-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours  
(Except Deer, Bear and Turkey)
- 9-Hunt Rabbits Closed Season
- 7-Possess Rabbits Closed Season
- 4-Hunting Geese Closed Season
- 1-Littering

CONFISCATIONS:

4 Rabbits, 800 Lbs. of Crabs, 2 Red Snapper, 21 Bass, 400 Ft. of  
Gill Net, 407 Sacks of Oysters, 2 Hoop Nets

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REGION 6

TOTAL CASES-167

ENFORCEMENT-166

OTHER - 1

64-Boating

59-Angling W/O A License

23-Fish W/O Resident Pole License

1-Use Gear W/O Recreational Gear License

4-Taking/Possessing Over Limit Or Undersized Game Fish

1-Take Or Sell Commercial Fish Or Bait Species W/O  
Commercial License

2-Take Commercial Fish W/O Commercial Gear License

1-Transport W/O Required License (Resident or Non-Resident)

1-Use Illegal Mesh Nets

1-Take Or Possess Undersize Commercial Fish

1-Take Shrimp Illegal Methods (Rigolets and Chef Pass)

2-Harvest Oysters W/O Oyster Harvester License

1-Hunting W/O Resident License

1-Possession of Live Quadrupeds, Wild Birds W/O Permit  
(Except Deer)

1-Take Squirrel Illegal Methods

2-Hunt Turkey Over Baited Area

1-Take Over Limit Of Turkey

1-Littering

CONFISCATIONS:

17 Largemouth Bass, 6 (2 X 4) Nylon Gill Nets, 17 Channel Catfish,

43 Blue Catfish, 4 Squirrels, 1 Brass Knuckle, 2 Turkeys, 74

Catfish, 58 Yellow Bass.

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REGION 7

TOTAL CASES-178

ENFORCEMENT-178

OTHER - 0

81-Angling W/O A License

39-Fish W/O Resident Pole License

6-Use Gear W/O Recreational Gear License

1-Take Game Fish Illegally

2-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License  
(Resident Or Non-Resident)

7-Hunting W/Unplugged Gun Or Silencer

1-Hunting Squirrel Closed Season

1-Hunt Turkey Closed Season

14-Hunt Turkey Over Baited Area

2-Take Over Limit of Turkey

1-No Boat Numbers

2-No Boat Registration Certificate In Possession

1-Operate Unregistered Motorboat

1-Expired Boat Registration Certificate

7-Failure To Comply With PFD Requirements

1-Failure To Have PFD While Underway Under 13 Years  
(Operators Responsibility)

4-Improper Or No Fire Extinguisher

1-Taking Or Possession Of Other Non-Game Birds - No Season

3-Criminal Trespass

1-Littering

1-Other Than Wildlife And Fisheries

Page (8)

REGION 7 CONT'D

CONFISCATIONS:

7 Guns, 1 Cast Net, 4 Turkeys

REGION 8

TOTAL CASES-195

ENFORCEMENT-169

OTHER - 26

25-Angling W/O A License

13-Fish W/O Resident Pole License

6-Angling W/O Saltwater License

4-Not Abiding By Rules And Regulations Of Commission

4-Possession O/L Of Red Drum In Excess of 27" (Recreational)

1-Take Or Possess Undersized Spotted Sea Trout (Recreational)

2-Take Or Possess Undersized Black Drum (Recreational)

1-Possession Freshwater Trout W/O Trout License

3-Fail To Have Commercial License In Possession

6-Take Or Sell Commercial Fish Or Bait Species W/O  
Commercial License

3-Take Commercial Fish W/O Commercial Gear License

13-Take Or Possess Commercial Fish W/O A Vessel License

2-Sell And/Or Buy Fish W/O Wholesale Retail Dealer's License  
(Resident or Non-Resident)

1-Transport W/O Required License (Resident Or Non-Resident)

2-Use Illegal Mesh Nets

1-Leave Nets Unattended

2-Take Or Possess Undersize Commercial Fish

2-Take Undersize Frogs (Commercial)



REGION 8 CONT'D

- 1-Permit Unlicensed Person To Operate Commercial Vessel
- 1-Permit Unlicensed Person To Use Commercial Gear
- 7-Take/Possess Oysters W/O Oyster Harvester License
- 3-Use Illegal Length Nets
- 2-Failure To Mark/Tag Nets
- 2-Possess Or Sell Undersized Crabs (Commercial/Hard or Soft)
- 3-Trawling In Closed Season (Inside Waters)
- 2-Failure To Have Written Permission
- 6-Unlawfully Take Oysters From State Water Bottoms
- 5-Taking Oysters From Unapproved Area (Polluted)
- 3-Unlawfully Take Oysters Off A Private Lease
- 1-Use Eel Pots W/O Required Floats
- 6-Harvest Oysters W/O Oyster Harvest License
- 5-Fail To Cull Oysters In Proper Location
- 1-Possess Wild Birds Or Wild Quadrupeds W/O A License
- 2-Possess Rabbits Closed Season
- 2-Hunt Squirrel Closed Season
- 14-Operate Unregistered Motorboat
- 2-Failure To Display Valid Certificate Decal
- 2-Expired Boat Registration Certificate
- 1-Improper Boat Numbers
- 1-Improper Running Lights
- 23-Failure To Comply With PFD Requirements
- 3-Not Abiding By Rules And Regulations of WMA
- 3-Littering

Page (10)

REGION 8 CONT'D

3-Other Than Wildlife And Fisheries

CONFISCATIONS:

17 12 Gauge Shells, 1 12 Gauge Semiautomatic Shotgun, 3 Boats,  
1 15 HP. Motor, 2 Oyster Dredges, 8 35 Ft. Gill Nets, 1 2,200 Ft.  
Gill Net, 1 2,300 Ft. Gill Net, 1 Headlamp W/Battery, 1 Oyster  
Lease/Maps, 1 Commercial Fish License, 2 Lbs. Unidentified Fileted  
Fish, 187 Whole Sheephead Returned To Area, 103 Lbs. Sheephead Sold  
For \$74.40, 60 Whole Speckled Trout Donated, 8 Whole Red Drum  
Donated, 9 Whole Black Drum Returned To Area, 2 Perch 10 Lbs.  
Flounder Sold For \$9.70, 1 Catfish Held For Evidence, 2,595  
Lbs. Of Crabs Returned To Area, 12 1/2  
Boxes Of Crabs Returned To Area, 27 Sacks Of Oysters Returned To  
Area, 458 Lbs. Of Shrimp Sold for A Total Of \$939.35, 10 Rabbits  
Donated.

REGION 9

TOTAL CASES-330

ENFORCEMENT-329

OTHER - 1

90-Angling W/O A License

13-Fish W/O Resident Pole License

4-Angling W/O Saltwater License

10-Take Game Fish Illegally

3-Take Or Possess Undersized Spotted Sea Trout (Recreational)

1-Fail To Have Commercial License In Possession

REGION 9 CONT'D

- 9-Take Or Sell Commercial Fish Or Bait Species W/O Commercial License
- 6-Take Commercial Fish W/O Commercial Gear License
- 11-Take Or Possess Commercial Fish W/O A Vessel License
- 3-Transport W/O Required License (Resident Or Non-Resident)
- 4-Not Abiding By Commission Rules And Regulations
- 1-Leave Nets Unattended
- 14-Take Or Possess Undersize Commercial Fish
- 4-Sell And/Or Purchase Game Fish
- 1-Buy Commercial Fish From Unlicensed Fisherman
- 5-Fail To Comply With Closure Order (Red Drum)
- 1-Permit Unlicensed Person To Operate Commercial Vessel
- 1-Permit Unlicensed Person To Use Commercial Gear
- 3-Failure To Mark/Tag Nets
- 8-Possess Or Sell Undersized Crabs (Commercial/Hard or Soft)
- 1-Trawling In Closed Season (Inside Waters)
- 4-Failure To Have Written Permission
- 6-Unlawfully Take Oysters From State Water Bottoms
- 4-Unlawfully Take Oysters Off A Private Lease
- 1-Failure To Take Sacked Or Containerized Oysters
- 1-Possession Of Untagged Oysters
- 12-Harvest Oysters W/O Oyster Harvester License
- 2-Fail To Cull Oysters In Proper Location
- 1-Hunt Wild Quadrupeds And/Or Wild Birds Illegal Hours (Except Deer, Bear and Turkey)
- 1-Hunt Rabbits Closed Season

REGION 9 CONT'D

- 5-Taking Or Possessing Alligators Closed Season
- 2-Possessing Fur Bearing Animal W/O License
- 3-No Boat Numbers
- 13-No Boat Registration Certificate In Possession
- 14-Operate Unregistered Motorboat
- 3-Failure To Display Valid Certificate Decal
- 10-Expired Boat Registration Certificate
- 1-Improper Boat Numbers
- 1-Improper Or No Sound Producing Device
- 44-Failure To Comply With PFD Requirements
- 4-Improper Or No Fire Extinguisher
- 2-Failure To Comply With Visual Distress Signals
- 1-Possession Of Outboard Motor With Serial Number Missing Or Removed
- 1-Possession Of Illegal Type Firearms
- 1-Littering

CONFISCATIONS:

1 Deer, 57 Crates Crabs, 80 Lbs. Crabs, 3 Rabbits, 21 1/2 Sacks Oysters, 117 Lbs. Catfish, 8 Lbs. Shrimp, 79 Black Drum, 8 Red Drum, 5 Spotted Sea Trout, 27 Nutria, 7 Bream and Perch, 1 Commercial License, 1 Cast Net, 1 Headlight and Battery, 3 Weapons, 3 Boats, 1 Ice Chest, 1 Outboard Motor, 2 Alligator Tails.

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S.W.E.P.

132 BOATS CHECKED

234 HOURS RUNNING TIME

TOTAL CASES-11

3-Trawling In Closed Season

1-Failure To Have Commercial License In Possession

1-Take Commercial Fish W/O Commercial Gear License

1-Take Or Possess Commercial Fish W/O A Vessel License

3-Possess Crabs In Berry Stage

2-Fish W/O Resident Pole License

CONFISCATIONS:

287 Lbs. Of Shrimp, 40 Baskets Of Crabs Seized In Berry Stage For  
A Total Of 1,600 Lbs. Crabs Returned To Water Live.

OYSTER STRIKE FORCE

TOTAL CASES-50

9-Boating

5-Take Or Sell Commercial Fish Or Bait Species W/O  
Commercial License

5-Take Or Possess Commercial Fish W/O A Vessel License

1-Sell And/Or Buy Fish W/O Wholesale/Retail Dealer's License  
(Resident Or Non-Resident)

6-Fail To Comply With Permit Requirements

2-Failure To Have Written Permission

8-Unlawfully Take Oysters From State Water Bottoms

2-Taking More Than Two Sacks Daily (Recreational)

3-Unlawfully Take Oysters Off A Private Lease

4-Take Undersize Oysters From Natural Reef

2-Failure To Tag Sacked Or Containerized Oysters

2-Fail To Cull Oysters In Proper Location

1-Possession Of Illegal Type Firearms

CONFISCATIONS:

60 Sacks Of Oysters, 3 Boats, 2 Dredges, 1 Tongs, 1 Gun

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TOTAL CASES ENFORCEMENT-1,541

TOTAL CASES OTHER - 38

TOTAL CASES S.W.E.P. - 11

TOTAL CASES O.S.F. - 50

GRAND TOTAL -1,640





# Louisiana Black Bass Unlimited, Inc.

P. O. Box 8451 — Monroe, Louisiana 71211

April 2, 1991

Louisiana Wildlife & Fisheries Commission  
15570 Quail Drive  
Baton Rouge, LA 70895

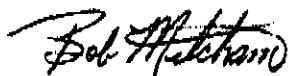
Attention: Mr. James Jenkins, Chairman

Our organization would like to take this opportunity to express it's appreciation to all commission members for the foresight they have shown by their unwavering support of the Black Bass Management Plan and the Toledo Bend-Caddo Reciprocal Agreement.

It has come to our attention that some factions within the state are continuing to attempt to modify the management plan. In our opinion, the plan has gone through channels which were more than sufficient for all interested parties to have had the opportunity to have input into its formulation.

The time has come for implementation of the basic ideas of the management plan. LBBU feels confident that the Department of Wildlife and Fisheries has the necessary expertise to recommend any changes that need to be made only after the plan has been tried for a reasonable period of time.

Sincerely,



Bob Mitcham  
President

RIM/mt

# JULY 1991

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 Time to purchase new sport licenses.	2	3 Largemouth bass begin to congregate into worm holes.	4 Independence Day.	5 Third quarter moon.	6 Southeast Louisiana Fishing Rodeo this weekend.
7 Wild petunia open their white trumpet-shaped flowers at night to be pollinated by moths in southeast Louisiana.	8	9	10	11 New moon.	12	13
14	15	16 The showy blossoms of the state-rare purple cone-flower can be seen in prairies in north Louisiana.	17	18 First quarter moon.	19	20
21	22	23	24	25 Flood fallow rice fields to three inches in preparation for fall migration of shorebirds.	26 Full moon.	27
28	29	30	31		<div>JUNE 1991</div> <div>S M T W T F S</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30</div> <div>AUGUST 1991</div> <div>S M T W T F S</div> <div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31</div>	

# State of Louisiana



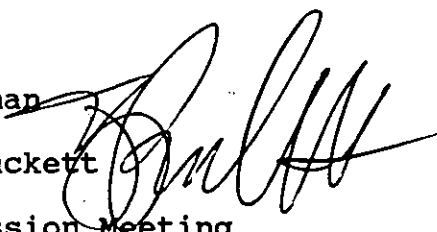
A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

Buddy Roemer  
Governor

March 11, 1991

TO: Sharyn Bateman  
FROM: Donald E. Puckett  
SUBJ: July Commission Meeting



---

At one point during the Minerals Committee Meeting, Chairman Jenkins alluded to a possible July 11 Commission Meeting because of the conflict with the 4th of July. At Thursday's meeting, I reminded him of the problems created when the Commission meetings come after the 10th of the month because of rulemaking timetables and he indicated a willingness to work out a meeting time in advance of the 10th, possibly on Tuesday the 9th. Hang on to this memo until the April Commission meeting and give it to him at that time as a reminder.

APM

# State of Louisiana



A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

Buddy Roemer  
Governor

March 22, 1991

## MEMORANDUM

TO: Chairman and Members of Commission  
FROM: A. Kell McInnis III, Acting Secretary  
RE: April Board Meeting Agenda

The next regular public board meeting as set by the Commission will be at 10:00 A.M. on Thursday, April 4th, 1991, at the Wildlife and Fisheries Building, Louisiana Room, 2000 Quail Drive, Baton Rouge, Louisiana.

The following will be on the agenda:

1. Approval of Minutes of March 7, 1991

GEORGE LAPOINTE, PROJECT LIAISON-IAFWA, PROACTIVE STRATEGIES

2. Overview of Proactive Strategies Project

DR. ROBERT CHABRECK

3. Alligator Rule Change - Notice of Intent and Emergency Declaration

DR. JERRY CLARK

4. Notice of Intent of Netting Prohibition in Lake Bertholomew, False River and Lake Concorida

5. Update on Status of Spotted Seatrout Commercial Quota

DON PUCKETT

6. Notice of Intent - Amend Oyster Survey Section Rules

March 19, 1991  
Page 2

BOB DENNIE

7. Ratification of Rules for Free Fishing Days -  
Freshwater and Saltwater

WINTON VIDRINE

8. Monthly Law Enforcement Report

A. KELL MCINNIS

9. Acting Secretary's Report
10. Set July Commission Meeting Date

PUBLIC COMMENTS:

C: Bettsie Baker  
Robert Chabreck  
Jerry Clark  
Don Puckett  
John Medica  
Division Chiefs

ARM

# State of Louisiana



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Buddy Roemer  
Governor

March 22, 1991

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# State of Louisiana



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### DON PUCKETT

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### BOB DENNIE

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*Adel - did 3-14-91  
George Laporte  
IAFWA -  
preserve strategies  
- Ask him to give  
you a title / submit  
Buddy Roemer  
Governor  
1st part of the agenda*



March 22, 1991

Page 2

WINTON VIDRINE

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A. KELL MCINNIS

8. Acting Secretary's Report

9. Set July Commission Meeting Date

PUBLIC COMMENTS:

C: Bettsie Baker  
Robert Chabreck  
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Division Chiefs

# State of Louisiana



A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

Buddy Roemer  
Governor

March 27, 1991

## M E M O R A N D U M

TO: Chairman and Members of Commission

FROM: Sharyn Bateman

RE: Materials on Amended Oyster Survey Section Rules

Attached are the amended Oyster Survey Section Rules which were not in you packets that you received containing the materials on the items for the April Commission meeting. At the time the packet was mailed out these were still in the process of being worked on. Should you have any questions about these you can contact Mr. Don Puckett at (504) 765-2971.

## Attachments

C: Don Puckett

# State of Louisiana



*Johnnie  
Gaug, please review*

A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

Buddy Roemer  
Governor

March 8, 1991

## MEMORANDUM

TO: Assistant Secretary Office of Fisheries, Undersecretary,  
and Office of Wildlife Chiefs

FROM: A. Kell McInnis III, Acting Secretary *AKM*

RE: Commission Meeting Agenda - April 4, 1991

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Resolutions and Notices of Intent should be included with the list of items to be placed on the agenda.

Thank you for your cooperation!

AKM/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

*Ecological Section =  $\phi$*

*Nat. Heritage =  $\phi$*

*Hab. Cons. Div. =  $\phi$*

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LA. DEPT. OF  
WILDLIFE & FISHERIES

MAR 12 91

HABITAT  
CONSERVATION

*[Signature]*

# State of Louisiana



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MAR 11 1991

INFORMATION &  
EDUCATION DIV.

A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

Buddy Roemer  
Governor

March 8, 1991

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Thank you for your cooperation!

*Participation of Free Porky Slugs as  
per our discussion -*

AKM/sb

C: Don Puckett  
☒ Bob Dennie  
Winton Vidrine

*Puckett*

# State of Louisiana



A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

Buddy Roemer  
Governor

March 8, 1991

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AKM/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

*1) Amend Oyster Survey  
Section Ruler*

# State of Louisiana



A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

*Quing*  
Karen Foote  
Bennie Fontenot  
John Roussel

return to me by  
Monday, 3/18  
JC

Buddy Roemer  
Governor

March 8, 1991

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Thank you for your cooperation!

*Commission Agenda, Land Fish Division,  
Bennie Fontenot:*

AKM/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

NOTICE OF INTENT: *Netting Prohibition*  
*in Lake Bertholomeu,*  
*False River and Lake*  
*Concordia.*

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LA. DEPARTMENT OF  
WILDLIFE & FISHERIES

MAR 11 1991

ASSISTANT SECRETARY  
OFFICE OF FISHERIES

FISH DIVISION

# State of Louisiana



A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
Post Office Box 98000  
Baton Rouge, LA 70898  
(504) 765-2800

return to me by  
Monday, 3/18

JC

Buddy Roemer  
Governor

3-12-91

March 8, 1991

~~Clark / Barney~~  
~~Please submit items~~  
~~to me by March 15.~~  
~~Kear~~

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AKM/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

3-14-91

Jerry -

I have no agenda items  
for the meeting. I plan  
to attend it. If you  
approve, please forward my  
name to Kell

*Laur*

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LA. DEPARTMENT OF  
WILDLIFE & FISHERIES

MAR 11 1991

ASSISTANT SECRETARY  
OFFICE OF FISHERIES

# State of Louisiana



A. Kell McInnis III  
Acting Secretary

Department of Wildlife and Fisheries  
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Baton Rouge, LA 70898  
(504) 765-2800

*Quay*  
Karen Foote  
Bennie Fontenot  
→ John Roussel

return to me by  
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JC

Buddy Roemer  
Governor

March 8, 1991

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Thank you for your cooperation!

*UPDATE ON STATUS OF SPOTTED SEAHORSE COMMERCIAL QUOTA.*

AKM/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

**RECEIVED**  
LA. DEPARTMENT OF  
WILDLIFE & FISHERIES

MAR 11 1991

ASSISTANT SECRETARY  
OFFICE OF FISHERIES



# State of Louisiana



A. Kell McInnis III  
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C: Don Puckett  
Bob Dennie  
✓ Winton Vidrine

*Law Enforcement Report*  
*W.V.* 3-13-91

# State of Louisiana



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Post Office Box 98000  
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Buddy Roemer  
Governor

March 8, 1991

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LA. DEPARTMENT OF  
WILDLIFE & FISHERIES

MAR 12 91  
FUR & REFUGE  
BATON ROUGE

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*Fur & Refuge*

*Alligator Rule Changes - Notice of Intent  
and Emergency Declaration*

AKM/sb

C: Don Puckett  
Bob Dennie  
Winton Vidrine

# State of Louisiana



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Governor

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Winton Vidrine

# Louisiana Department of Wildlife and Fisheries

## NEWS RELEASE

A. Kell McInnis III  
Acting Secretary

91-41



4/1/91

CONTACT  
(504) 765-2923

### AGENDA FOR COMMISSION MEETING

The next regular meeting of the Louisiana Wildlife and Fisheries Commission will be held at 10 a.m. Thursday, April 4, at the Wildlife and Fisheries Building, 2000 Quail Drive, Baton Rouge.

The agenda follows:

1. Roll call.
2. Approval of minutes for March 7.
3. Overview of Proactive Strategies Project.
4. Alligator rule change - Notice of Intent and Emergency Declaration.
5. Notices of Intent of netting prohibition in Lake Bartholomew, False River Lake and Lake Concordia.
6. Update on status of spotted seatrout commercial quota.
7. Notice of Intent - Amend Oyster Survey Section rules.
8. Shell dredging lease bid package, central coast.
9. Ratification of rules for Free Recreational Fishing Days - Freshwater and saltwater.
10. Monthly law enforcement report.
11. Acting Secretary's report.
12. Set July Commission meeting date.
13. Public comments.

Draft

The following constitute minutes of the Commission Meeting  
and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the  
Louisiana Department of Wildlife and Fisheries  
2000 Quail Drive

Baton Rouge, Louisiana 70808

For more information call (504) 765-2806

MINUTES OF MEETING

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

APRIL 4, 1991

Chairman James H. Jenkins Jr. presiding:

Thursday, April 4, 1991

Houston Foret  
Bert Jones  
Norman McCall  
Jeff Schneider  
Pete Vujnovich

Acting Secretary A. Kell McInnis III was also present.  
Commissioner Warren I. Pol was absent

Chairman Jenkins called the April 4, 1991, Commission meeting to order. A motion was made by Mr. Vujnovich for adoption of the March 7, 1991, **Minutes of the Commission Meeting**. The motion was seconded by Mr. Schneider and passed unanimously.

Acting Secretary McInnis stated that pursuant to meetings earlier the department has attempted to find some people to come in and speak to the Commission to bring them up-to-date on some projects that the department, in conjunction with other outside agencies, is working on. Mr. George LaPointe works with the International Association of Fish and Wildlife Agencies (IAFWA) and is the point man on the Proactive Strategies group for that organization. Louisiana is a member and very active with the program advised Acting Secretary McInnis and stated that he thought the Commissioners and others attending the meeting would be interested in the program that is going on with the proactive strategies. The department is providing office space for Mr. LaPointe. Acting Secretary McInnis introduced Mr. LaPointe and asked him to make his presentation

Mr. George LaPointe, Liaison-IAFWA, gave a **Overview of the Proactive Strategies Project**. Mr. LaPointe stated that he appreciated the opportunity to address the Commission to talk about the Proactive Strategies Project. The project is a forward looking project that will benefit Louisiana and other state fish and wildlife agencies in dealing effectively with the animal rights movement. Mr. LaPointe at this point gave a short overview of the IAFWA. The International is an organization of state fish and wildlife agencies consisting of all fifty states, ten Canadian ~~providences~~ and territories, the federal governments of Canada, United States and Mexico and basically has two broad objectives. One is to promote cooperative professional fish and wildlife management in North America. The other is to protect the state's authority to manage fish and resident wildlife. The association

Provinces

operates through its member states through a series of about twenty committees. Mr. LaPointe pointed out some of the committees that the Commissioners might be interested in which were a Ad-Hoc Committee on Wallop-Breaux Reauthorization, North American Waterfowl Management Plan Committee, Fur Resources Committee, Habitat Protection Committee, Nongame Funding Committee, and an Animal Welfare Committee. The Animal Welfare Committee directs the Proactive Strategies Project. The association has been, in times, interested in a number of projects that affect and benefit Louisiana. In carrying out these activities the association has had a lot of help and support from Department of Wildlife and Fisheries employees stated Mr. LaPointe. Kell McInnis and Virginia Van Sickle before him, have lent both support and advice to the association for as long as Mr. LaPointe has been associated with the group. Johnnie Tarver has long been associated with the Animal Welfare Committee and currently serves as Vice-Chairman. Mr. Tarver also works on the committee that works on Nongame Funding. Greg Linscombe is the Chairman of the Fur Resources Committee and Butch Bateman has been involved in the North American Waterfowl Management Plan on the Migratory Wildlife Committee. The department is supporting the Proactive Strategies Project through providing office space for him pointed out Mr. LaPointe.

Mr. LaPointe reported that the Proactive Strategies Project stems from the association's long involvement and interest in the anti-hunting, anti-management issue. The association has been working on this issue since the mid-sixties but had never figured out how to address the problem. As people addressed the anti-hunting, anti-management issue there were three approaches they took. One approach was to say that they we are the wildlife professionals with the facts and experience in fish and wildlife management and this would convince people that this is enough to put the animal rights movement to bed but was found not to be the case because you are basically dealing with emotion and personal ethical choices, not facts and biology, stated Mr. LaPointe. The second approach was to say that these animal rights people were crazy and in time they would go away. Certainly some of them are crazy but most aren't and they are not going to go away pointed out Mr. LaPointe. The third approach was to try to gather a war chest to achieve what Mr. LaPointe called a "quick killing blow" on the animal rights movement. This may be an appealing approach but is not going to work because as public agencies there are a lot of activities of this nature that cannot be engaged in advised Mr. LaPointe. The war chest of the animal rights organizations are very full and it is hard to outgun them in that regard. Thinking over these approaches the association's Animal Welfare Committee decided to try to do something about this situation. One of the things realized was that because this was going to be a long term approach they wanted to integrate some planning into the effort and they contracted with a group called the Organization of Wildlife Planners. This organizations is made up of planners of various state and federal agencies. In talking about the Proactive



that  
Strategies Project and looking at the term proactive is pretty useful stated Mr. LaPointe. Unfortunately it is kind of an over used term and it is looked at as the opposite of reactive but in regard to the Proactive Strategies Project it is looked at as a project is trying to change the perceptions of the public about wildlife management before those public perceptions are changed by somebody else, in this case the animal rights people. Mr. LaPointe stated that Abraham Lincoln was the one that said "public opinion may not always be right but in the end it will prevail" so they are trying to change those attitudes so that agencies are able to continue to do the things that they are doing. In discussing this issue it is often said nationwide, this may not hold true for Louisiana, that ten percent of the public either hunts or supports hunting in the agency's actions, ten percent oppose those activities, hunting, fishing and trapping and eighty percent in the middle which care about wildlife but they do not have strong feelings one way or the other on the issue advised Mr. LaPointe. What the IAFWA is trying to do is make the ten percent that support agencies's actions fifteen, twenty or twenty five percent so that a larger portion of the public will know what is being done. The mission goal of the Proactive Strategies Project is to provide effective strategies with which the association and its member states through coordinated implementation can maintain and increase support for professional wildlife management and long term conservation programs. Under this goal there are two objectives. The first objective is to develop an array of communication tools for use by state agencies and others to maintain and increase support for professional fish and wildlife management programs. This is developing strategies to corner a larger portion of the public that supports what is being done. The second objective, which is more short term, is to develop the necessary logistical and legal information for state fish and wildlife agencies to mitigate the animal rights movement. Under these objectives there are sixty strategies in various forms. These range from organizing state groups interested in responsible animal use to better understanding the views of people interested in wildlife which includes the animal rights activists.

Mr. LaPointe went into eight of these strategies in more detail at this point during the meeting. The first thing that was done was to send out surveys to all the states to try and document the extent and impact of the anti-hunting, anti-trapping activities on the agency time and budgets. It was found that more and more of the agency time, law enforcement time, biologist time, and administrative time is going into working on these types of issues. A series of facilitated workshops between state agency personnel and local and regional representatives of animal rights organizations were setup. The purpose of these workshops is to better understand the philosophical base of people in the animal rights movement and also to explore differences between local and regional groups and national animal rights groups explained Mr. LaPointe. There has been criticism on these meetings by some

people ~~by saying~~ that closed doors meetings are ~~been~~ held to negotiate away the hunting and fishing rights with the animal rights interest. Nothing could be further from the truth, these are not closed doors meeting and there are no negotiations because the association does not negotiate for state agencies stated Mr. LaPointe. A lot was learned about the animal rights activists and the state agency personnel, in this case from the upper mid-west, learned about the movement as well. The association intends to hold three more of the regional workshops and also intends to hold some workshops with other interest groups such as sportsmen organizations or that ~~general public with~~ eighty percent in the middle to find out what their views are about wildlife management and wildlife management agencies. Another part of the project is a mortality study to quantify how animals die in the wild from means other than hunting, fishing and trapping. This information will be of help to dispel the idea that if animals are not hunted, fished or trapped they die peacefully of old age. One of the most useful strategies within the project is what is called an Issue and Crisis Management Handbook which will be a compilation of information on how best to avoid crisis or better yet how to implement programs to avoid crisis with regard to the animal rights activities. This will include contacts in other states, list of extra witnesses if needed, and some case histories on what has or has not worked in other states advised Mr. LaPointe. The project will soon begin a newsletter to make timely information available on animal rights activities to other state agencies. One of the things that has been done and already implemented in Louisiana is the association has been promoting within individual states the formation of groups interested in responsible animal use. There is a group in Louisiana called Louisiana Federation for Animal Use In Society. There has also been groups formed in Arizona and Texas. The idea is that local groups can gather local information and deal with local situations. Some of the longer term programs that the association is working on are some educational materials for both students and the public. The materials will be designed to increase the visibility of wildlife agencies and to promote public support for these agencies. The association will utilize what has worked in other states rather than recreating the wheel advised Mr. LaPointe. Another part of this section will be to work on news and media relations and cultivate relations between agency personnel and the media. Another part of this strategy is to train agency personnel to deliver their messages more effectively. When going through these projects we are going to rely very heavily on the experience of what has worked and has not worked in other states pointed out Mr. LaPointe. Mr. LaPointe advised that the green booklet that is in each of the Commissioner's packets covers the project more in depth and the project at this point is just developing the strategies which will take probably another year and will then move into a more concerted implementation stage. Concluding, Mr. LaPointe mentioned that the International and the states are not the only people undergoing this type of effort. Earlier this year a number of conservation organizations and

sportsmen groups formed an organization called the United Conservation Alliance. The association has been working very closely with the alliance because their goals are very similar but has not joined because the alliance will probably engage in some activities that are not appropriate for public agencies such as lobbying or fund raising. Mr. LaPointe asked for questions. Chairman Jenkins asked if the animal rights activists groups were participating in the political process in certain states to reach their goals? Mr. LaPointe advised both at the state level, the national level and are well funded and aggressive. Chairman Jenkins asked if these groups have had any success in the legislative process. Mr. LaPointe stated that he thinks they have had some success if you think about trapping. The leg hold trap has been banned in New Jersey and is one of their biggest pushes right now. There is a broad act that deals with animal welfare called the Animal Welfare Act and they have been quite successful in pushing their agenda through that as well advised Mr. LaPointe.

Mr. Jones stated that he worries sometimes that we are fragmented in so many different areas with a lot of people striving for the same things and we should become more consolidated in the movement towards understanding of the situation. Mr. LaPointe answered that he thinks we are coming to this now. The state and government agencies are working on the project and the United Conservation Alliance along with others.

Chairman Jenkins thanked Mr. LaPointe and invited the Commission members, staff, press or interested parties who have some areas of interest that they would like to have presented at the Commission meetings to tell the Commission what it is and they will see if they could get the appropriate people to present information on a subject such as Mr. LaPointe did, and others that may be of interest.

**A Emergency Declaration, Resolution and Notice of Intent on Alligator Rule Change** was presented by Mr. Tommy Prickett.

Mr. Prickett advised that he had some alligator rule changes, specifically some amendments with regard to the alligator farming program. A notice of intent has been prepared along with a declaration of emergency and resolution which would put these amendments into effect as of today if the Commission rules on them favorable. Mr. Prickett briefly went through the changes that were being recommended. The first two changes with regard to the reporting requirements pertains to the legal citation of Title 56 was omitted and it is being added in. The alligator program alligator farmers currently report to the department once annually which is in December when they renew their license. Mr. Prickett pointed out that for each of the activities outlined in the report which is the collection of eggs, the hatching of eggs, when alligator are sold or sell alligator skins the department is going to ask the farmers to report within ten days. A postcard system will be used and the farmers will just fill in the blanks and mail

Fact that the

or

are sold,

back to the department at the conclusion of each transaction. This will assist in regulating the alligator farmers. The biggest changes are with regard to the release program. The <sup>corner</sup>stone of the industry is that eggs are collected in the wild and when the hatchlings are raised some of the alligators have to be released back into the wild. The regulations currently do not specify how long a period of time a farmer has to release those alligators back into the wild. The amended rule now specifies that they have two years from the date of hatching to release the alligators back into the wild. Mr. Prickett advised that research was done by the department to determine the size of alligators that could be released back into the wild and the percentage of those alligators that would not adversely impact the wild population. This research specified varying percentages and sizes. In the regulations as they were originally adopted it was specified that seventeen percent of the hatchlings hatched from eggs collected in the wild should be released back into the wild when those alligators were a minimum of 48" in size. It is being recommended to the Commission that the minimum size be reduced to 36" at a correspondingly higher release percentage. The way this would be applied in the field is when the department employees go to an alligator farm to release alligators any alligator 36" and above will be brought out and measured. At the end of that period an average size of all of the alligators will be computed and by looking at the chart and whatever the average size specifies this is the percentage of alligators the farmer would be required to release back into the wild explained Mr. Prickett. Very few of the farmers can raise a 40" alligator in one growing season. This will permit them to live up to their contracts with the landowners at a more rapid date and would also facilitate the department conducting these releases.

Chairman Jenkins asked if these percentages come from the fact that these are the historic survival rates. Mr. Prickett stated that was correct.

Mr. Prickett continued and advised that the other aspect that the department is recommending being changed is the timing of the releases. The current regulations specify from April 15 to September 30 and the department would like to expand that period from March 15 to September 30 providing that environmental conditions are right for the releases. The majority of the eggs collected and the majority of the alligators released are in the south Louisiana marshes where by April 15th in a normal year the threat of freeze which would be detrimental to the young alligators has passed. Alligator releases would continue to be not allowed in north Louisiana on a normal years because the danger of a freeze in the April 15th period would be pretty great. The last change is in the last part of the rule where it refers to the percentage of 48" alligators and the 48" will be removed if this is adopted and alligators over a broader scale will be released, between 36" and 60" advised Mr. Prickett.

Mr. Prickett pointed out that the percentages and sizes are spelled out on the egg collection contract that the farmer signs. This is a three way agreement between the department, landowner and the farmer. The way the permit would be worded, which is not reflected in the regulations, was "that farmers would be allowed to release alligators between 36" and 60" and that an average size will be computed and the percentage will be taken straight from the Taylor-Neal Research Project to compute the percentage of alligators they release back into the wild".

Mr. Jones asked if they were going to measure each alligator as they go for release. Mr. Prickett stated that was correct and predicted that the average size alligator that would be released would be between 39" and 42" and does not believe that there will be that many released right at the 36" mark.

Mr. McCall asked what would happen if a real massive hurricane hit the coast and upset a large area of the marsh from Texas to Morgan City area and the department was unable to release any alligators in that area(s) along the coast in a particular year. Would the department double up on the amount being released the following year? Mr. Prickett advised that this is what would have to be done, the farmers would not be releasing their obligation to turn those alligators back into the wild. If there was a hurricane getting ready to hit a particular area of the coast the department would not recommend releasing alligators at that period of time. Normally the effects, as far as alligators are concerned, from a hurricane would not be long termed. Hopefully there would still be time left in that release cycle to get those alligators released into that block of marsh stated Mr. Prickett.

Mr. Schneider stated that for his own information how and who monitors the number of eggs taken from the wild so it is know what percent of what number was taken. Mr. Prickett explained that surveys are flown in a helicopter to count nest and predict the number of alligators in each marsh type across the state. From this it is computed how many eggs are on a landowners property and permits are issued to collect a specified number of eggs. The landowners will watch very closely how many eggs are picked up off of their property and will not allow someone to pick up more eggs then are specified in the contract. At the end of the collection the farmer will have to report to the department within ten days how many eggs were collected. The department has the freedom to go the farm and check the eggs advised Mr. Prickett. Once the eggs hatch the farmer will have to notify the department how many eggs hatched so within ten days of the completion of the hatchling period the department will know how many hatchlings were hatched in that year.

Acting Secretary McInnis asked if the chart showing percentages which Mr. Prickett mentioned was attached to the rule. Mr. Prickett advised that it was not attached to the rule and shows up

in the regulations only in the sense that is specified in the regulations that a percentage as determined by the department will be released with a minimum size of 36". The chart and the varying scale of release percentages is spelled out in the egg collection contract which is a legally binding contract and is a three way agreement between the department, landowner and the farmer explained Mr. Prickett. Acting Secretary McInnis asked if there was further consideration for additional research on the survival rate of these different sizes. Mr. Prickett advised that the department has some research underway to determine the survival of the alligators that are released and LSU is shortly going to be conducting an additional research project looking into the survival of the alligators that are released.

Chairman Jenkins asked what was the biggest number on the chart, 48"? Mr. Prickett commented that the largest number on the chart is 60" and runs from 36" to 60" which is the size range of alligators that would be allowed to be release. At 36", 29.6 percent of the hatchlings would be released that were hatched from the eggs. At 38", 27.5 percent would be released. The percentage goes down as the alligators get larger. At 60", 9.8 percent would be released. This represents the number of alligators in the wild that would have survived to that size class.

Mr. Jones asked if there were any farmers that were landowners. Mr. Prickett answered yes. Mr. Jones asked about the farmers not possibly reporting how many eggs they have. Mr. Prickett advised that there would be no real advantage to the landowner to do this and these landowners want to protect their property. If they were to cheat, two things would happen. If the alligators are hatched out there is no way they can be sold and the only thing that can be done with them is to release them back into the wild. Additionally, if they were to cheat they would be harming their wild alligator population and eventually their egg productivity would go down with no eggs being collected.

Chairman Jenkins asked Mr. Prickett to read the "Therefore Be It Resolved" part of the resolution and then called for a motion to adopt the resolution on the declaration of emergency. A motion was made by Mr. McCall to adopt the resolution. The motion was seconded by Mr. Jones and passed unanimously.

(The full text of the resolution is made a part of the record)

#### Resolution

Louisiana Wildlife and Fisheries Commission

Alligator Regulations

WHEREAS, the Louisiana Department of Wildlife and Fisheries has the authority under State and Federal statute to regulate the taking, possession, selling, raising and propagation of alligators statewide; and

WHEREAS, the Louisiana Wildlife and Fisheries Commission in exercising this authority realizes that amendments to the existing regulations based on sound biological evidence and regulatory prudence are necessary to maintain and protect the wild population of alligators and to regulate the newly evolving alligator farm industry;

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt the Declaration of Emergency which amends certain aspects of Alligator Regulations.

BE IT FURTHER RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby authorize and delegate to the Secretary of the Department of Wildlife and Fisheries, the authority to take any and all necessary steps on behalf of the Commission to promulgate and effectuate these emergency regulations and the final rule, including but not limited to the filing of the Fiscal and Economical Impact Statements, the filing of the Notice of Intent and preparation of reports and correspondence to other agencies of government.

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A. Kell McInnis III  
Acting Secretary

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Jimmy Jenkins  
Chairman

(The full text of the emergency  
declaration is made a part of the  
record)

#### DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

In accordance with the Administrative Procedures Act, R.S. 49:953 (B), notice is hereby given that the Louisiana Wildlife and Fisheries Commission adopted and amended certain portions of the rule (LAC 76:V.701) pertaining to alligators, effective April 4, 1991.

The emergency adoption of the amendments are necessary to insure that the states wild alligator population is not adversely impacted and to insure that the regulations governing that population reflect the most up to date scientific and population monitoring information available. Failure to amend these

regulations will result in delaying releases of farm raised alligators into the wild, provide the Department with less information than necessary to monitor alligator farming activity, and may ultimately lead to reduced numbers of wild alligators in Louisiana.

A copy of the sections amended are noted below (additions underlined, deletions struck through). A complete copy of the Alligator Regulations with amendments can be viewed at the Louisiana Department of Wildlife and Fisheries, Fur and Refuge Division, 2000 Quail Drive, Baton Rouge, LA. 70898-9000.

## Chapter 7. Alligators

### Section 701. Alligator Regulations

#### K. Report Requirements.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

#### N. Alligator Egg Collection.

11. The alligator egg collection permittee and the landowner are responsible for returning the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78%. Each alligator shall be returned to the original egg collection area within a maximum time of two (2) years from date of hatching. Each alligator shall be a minimum of 48" 36" in size and the returned sex ratio should contain at least 50% females. The Department shall be responsible for supervising the required return of these alligators. Releases back to the wild will only occur between ~~April 15~~ March 15 and ~~September 15~~ September 30 of each



calendar year provided that environmental conditions as determined by the Department are favorable for survival of the released alligators. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of ~~48~~<sup>49</sup> alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

James H. Jenkins, Jr.  
Chairman

Chairman Jenkins called for a motion on the notice of intent. A motion was made by Mr. McCall for adoption of the notice of intent. A second was made by Mr. Vujnovich and passed unanimously.

(The full text of the notice of  
intent is made a part of the record)

#### NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

#### TITLE 76 WILDLIFE AND FISHERIES

#### PART V. WILD QUADRUPEDS AND WILD BIRDS

#### Chapter 7. Alligators

#### Section 701. Alligator Regulations

The Department of Wildlife and Fisheries does hereby give notice of its intent to amend the rule governing the harvest of

wild populations of alligators, alligator eggs, raising and propagation of farmed alligators and regulations governing the selling of hides, alligator parts and farm raised alligators.

Specific sections of the rule to be amended (additions underlined, deletions struck through) are as follows:

K. Report Requirements.

4. Alligator farmers receiving hide tags from the Department are responsible for disposition of all issued tags and must:

(f) Each licensed alligator farmer selling alligator parts to a person or a restaurant shall furnish that person with a bill of sale for each transaction. Violation of this part is a class 2 violation as described in Title 56.

(g) Each alligator farmer collecting alligator eggs, hatching alligator eggs, selling alligators for processing, or selling alligator skins shall submit completed forms as provided by the Department within 10 days following completion of the activity. Violation of this part is a class 3 violation as described in Title 56.

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in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this part is a class 7A violation as described in Title 56.

12. The percentage of 48<sup>u</sup> alligators to be returned to the wild shall be selected from the healthiest of all alligators of that year class. Abnormal or deformed alligators are not acceptable for release into the wild. It is unlawful for alligators that are to be returned to the wild to be transported out of state. Violation of this part is a class 7A violation as described in Title 56.

The Louisiana Wildlife and Fisheries Commission regular monthly meeting in June, July and August shall serve as public hearings for the proposed amendments to the rule at which time interested persons may submit oral and written comments relative to the proposed amendments until 4:30 p.m., August 30, 1991, to Tommy Prickett, Administrator, Fur and Refuge Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:260, 262, 262.1 and 262.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 16:1070 (December, 1990), Amended L.R. 17: ( ,1991).

James H. Jenkins, Jr.  
Chairman

**Notices of Intent on Netting Prohibition in Lake Bartholomew, False River Lake and Lake Concordia** were presented by Dr. Jerry Clark. Dr. Clark advised that recently the bass plan was passed and in that plan there was talk about coming in after the plan and taking care of some of the difficulties that are in some of the lakes. The principle difficulty in the three lakes that are being brought before the Commission today is that two of the lakes are trophy lakes and one is a quality lake where the department is attempting to put some larger bass. On these three lakes it is currently legal to use gill nets, trammel nets and seines to harvest fish. These gears are very destructive to the fish and most of the game fish caught in this gear will die. Biological studies have been done in each of these lakes and the proportion of the population that would be considered commercial is relatively low in each of the three lakes except perhaps for catfish explained Dr. Clark. Catfish is not typically taken in Louisiana with these gear and are taken with other forms of gear. What the department has for the Commission today is to begin the process to remove these gear from these three lakes advised Dr. Clark. In all the other lakes that

are currently quality lakes these gear have already been prohibited.

Chairman Jenkins asked if there were any questions from the Commission and the public. There being none Chairman Jenkins asked Dr. Clark to read the notice of intent on Lake Bartholomew. Dr. Clark read the notice. Chairman Jenkins called for a motion to adopt the notice of intent. Mr. McCall made a motion for adoption of the notice of intent on Lake Bartholomew. The motion was seconded by Mr. Vujnovich and passed unanimously.

(The full text of the notice of intent is made a part of the record)

Notice of Intent  
Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Title 76  
Wildlife and Fisheries

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sport and Commercial Fishing

Section 155. Netting Prohibition - Bartholomew Lake

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of gill nets, trammel nets, hoop nets and fish seines in Bartholomew Lake located in Ouachita and Morehouse Parishes, Louisiana. Such action by the Commission has been requested by the Bayou DeSiard - Bayou Bartholomew Cut-off Loop Water Conservation Board who is the governing body for Bartholomew Lake; and, recommended by technical fisheries staff of the Louisiana Department of Wildlife and Fisheries.

Interested persons may submit written comments on the proposed rule to the following address before May 31, 1991: Bennie J. Fontenot, Jr., Administrator, Inland Fish Division, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: ( , 1991).

James H. Jenkins, Jr.  
Chairman

Chairman Jenkins asked Dr. Clark to read the notice of intent on False River Lake and Lake Concordia. Dr. Clark read the notice.

Chairman Jenkins called for a motion to adopt the notice of intent. Mr. Jones made a motion for adoption of the notice of intent on False River Lake and Lake Concordia. The motion was seconded by Mr. Vujnovich and passed unanimously.

(The full text of the notice of intent is made a part of the record)

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic life

Chapter 1. Freshwater Sport and Commercial Fishing

Section 157. Netting Prohibition - False River Lake and Lake Concordia

The Louisiana Wildlife and Fisheries Commission hereby expresses intent to prohibit the use of gill nets, trammel nets and fish seines in False River lake located in Pointe Coupee' parish, and in Lake Concordia located in Concordia Parish, Louisiana. Said netting ban is recommended by the technical fisheries staff of the Louisiana Department of Wildlife and Fisheries.

Interested persons may submit written comments on the proposed rule to the following address before May 31, 1991: Bennie J. Fontenot, Jr., Administrator, Inland Fisheries Division, Louisiana Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA, 70898-9000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:22(B).  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: ( , 1991).

James H. Jenkins, Jr.  
Chairman

Dr. Jerry Clark gave an **Update on the Status of Spotted Seatrout Commercial Quota**. Dr. Clark handed out two documents. One was a resolution and one was a table of data. Dr. Clark advised that they were here today to talk about the closure of the commercial netting season for spotted seatrout and the date that it might take place. Historically and currently this year the means by which this has been done is the Commission and the department have looked at the data and make some prediction upon when the season would close. The Commission then passes a resolution giving the

Secretary the authority to close on the predicted date on which the commercial quota will be met. Dr. Clark pointed out some interesting information from the table of data on spotted seatrout landings for the years 1985-86 and 1986-87. These were two years in which there was no commercial quota. There tend to be relatively few fish caught in the fall and relatively more fish caught after the first of the year. What it means is that people did not rush out to start filling the quota and there is an economic issue involved stated Dr. Clark. The price of fish prior to Christmas tends to be usually a little low and after the first of the year it tends to pick up as you move towards Lent. This pattern of fishing was probably relatively good and made some market sense commented Dr. Clark. Starting in the first year of the quota 1987-88 that pattern persisted but in 1988-89 it starts loading up in the first part of the year. After this the data falls apart, the reason being the freeze. In 1988-89 it really begin to load up in September, October and November in ways never before and then you can observe what the impact of the freeze was for 1989-90 until a closure on May 6 advised Dr. Clark. The year 1990-91 started off slow and the department now has the most complete data today which is the February preliminary landings of 87,400 pounds. The bottom half of the table is just the cumulative totals by month for all the various years explained Dr. Clark and at the bottom you also have the date that it was closed and the quota (approximate amount that was actually landed). In 1987-88 the quota was 1 million pounds and the final tally for that year was sixty three thousand pounds in excess. In 1988-89 the quota was 1.25 million pounds with approximately the same overage. In 1989-90 slightly under the quota as far as the reported landings. Dr. Clark stated that to be fair to the management process, the management process has worked very well. Predicting what the landings are and then closing ahead of that date on a predicted number rather than an actual number is very difficult. There is some preliminary data for March but the closing date for reporting this data is not until the 10th of April.

Chairman Jenkins asked if the Commission or public had any questions. There being none Dr. Clark went on to present the resolution which gives the Secretary the authority to close once the staff makes a prediction on the date at which the quota would be met. Chairman Jenkins asked Dr. Clark to read the "Therefore Be It Resolved" part of the resolution. Dr. Clark concurred. Chairman Jenkins called for motion on the resolution. Mr. McCall made a motion for adoption of the resolution. The motion was seconded by Mr. Jones and passed unanimously.

(The full text of the resolution  
is made a part of the record)

#### RESOLUTION

#### Commercial Harvest of Spotted Seatrout

Louisiana Wildlife and Fisheries Commission

WHEREAS, Act 889 of the 1988 regular Session of the Louisiana Legislature established a quota for the commercial harvest of spotted seatrout in Louisiana at 1.25 million pounds, and

WHEREAS, on September 3, 1987 the Wildlife and Fisheries Commission declared the commercial quota year for spotted seatrout to begin on September 1, 1987 and end on August 31, 1988 and on an annual basis thereafter, and

WHEREAS, the Commission is authorized to close finfish seasons using the emergency provisions of the Administrative Procedure Act, R.S. 49:967, and

WHEREAS, Act 889 directs the Commission to close the commercial spotted seatrout fishery when the quota is projected to be reached, and

WHEREAS, Department of Wildlife and Fisheries biologists, based on historical landings and cumulative commercial harvest to date, project that the spotted seatrout quota will be reached during the month of May 1991, and

WHEREAS, updated harvest figures could cause the Department of Wildlife and Fisheries biologists to revise their projection forward, now

THEREFORE BE IT RESOLVED, by the Louisiana Wildlife and Fisheries Commission that the Secretary of the Department of Wildlife and Fisheries is hereby authorized and directed to close the commercial fishery for spotted seatrout on the date the quota is projected to be reached as provided in R.S. 56:325.3, and

BE IT FURTHER RESOLVED, that notice to the public shall be given seventy-two hours prior to the effect of the closure, and

BE IT FURTHER RESOLVED, that the purchase, barter, trade, or sale of spotted seatrout taken from Louisiana waters after the closure is prohibited, and

BE IT FURTHER RESOLVED, that the commercial taking or landing of spotted seatrout in Louisiana, whether caught within or without the territorial waters of Louisiana, after the closure is prohibited, and

BE IT FURTHER RESOLVED, that no vessel possessing of fishing any seine, gill net, trammel net, or hoop net shall have a spotted seatrout aboard the vessel, whether caught within or without the waters of the state, and

BE IT FURTHER RESOLVED, that nothing shall prohibit the possession of fish legally taken prior to the closure.

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A. Kell McInnis III, Acting  
Secretary, LA Dept. Wildlife  
and Fisheries

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Jimmy Jenkins, Chairman  
Wildlife & Fisheries Comm.

Dr. Clark added that they are keeping their eyes on the spotted seatrout landings. The staff will have for the Commission, as soon as there is significant amounts of data in the nets, a report on the status of the spotted seatrout. There are some indications that this may be an early year and the department may possibly have something in May but as far as a status report probably not until June advised Dr. Clark.

**A Notice of Intent Amending the Oyster Survey Section Rules** was presented by Mr. Don Puckett. Mr. Puckett presented a brief presentation and a recommendation. The rule before the Commissioners arose out of the oyster lease moratorium which was set by the Commission in April 1978 and came about because of a backlog in surveying for oyster leases and the inability of the Survey Section at that time to keep up with the demand for surveying. What has been done since 1978 is on a periodic basis and there was a small window of time, usually one day, where people could come in and take applications. Nobody has been particularly crazy about the moratorium but it was considered the lesser of two evils at the time stated Mr. Puckett. This moratorium prevents the oyster lessee from coming in at any time and taking a lease. This has not been the best thing for the department and the most recent example was in the summer of 1987 when there was a very lengthy line on Royal Street which began forming in May for an August opening. The department is proposing to permanently lift the moratorium, the net result of which would be that any oyster lessee could come into the offices at any time during working hours to take applications for oyster leases. Mr. Puckett advised that part of this rule is a transitional rule. What has been established explained Mr. Puckett is in two parts. Section 500 is the transitional portion of the rule and it basically states that at a time, date, and place to be announced applications will be taken for oyster leases. At that time applications will be taken on a twenty-four hour a day basis until all applications are taken and until the line decreases to an extent where the applicants can be handled back at normal working hours at Royal Street. It is specifically stated in the rule to prevent the early line forming that occurred four years ago that this will not occur at Royal Street and the place will not be announced until approximately a week before the opening. The permanent changes are in Section 501 and most of them are of a technical or mechanical nature to deal with how leases will be taken in the future explained Mr. Puckett.



Concluding, Mr. Puckett asked Mr. Vujnovich if he wanted to make his recommendation.

Mr. Vujnovich advised that in 1978 so many people were in line that were not even in the oyster business but were there for one thing and that was to get a number so they could sell it. Mr. Vujnovich thanked Mr. Puckett for doing an excellent job and believes that this will make the line much less than before. Mr. Vujnovich recommended that in Section 501., first page, B.a. where it states "Where distances between oyster leases are 200 feet or less,...." be changed to "Where distances between oyster leases or between oyster leases and the shoreline are 200 feet or less....." and explained the reason for this is because the wash away is coming so fast this would protect the man who has four or five hundred acres up to the shoreline. Mr. Vujnovich advised that the industry came up with this recommendation and he was asking the Commission if they would accept this. Mr. Puckett advised that he had talked with the staff and there is are no objections to the change.

Chairman Jenkins asked if there were any questions or comments from the Commission. There being none he called for questions or comments from the audience.

Mr. Oliver G. Salinovich addressed the Commission and advised that every since the first lifting of the moratorium you could blame him for all of the problems that followed. Mr. Salinovich was the one, for the benefit of the youngsters who could not get leases at the time and with increasing pollution at that time prior to 1978, who pushed for this moratorium because natural growth areas were fast being closed for health reasons. The first moratorium was opened and was very successful because there were navigable waters, no boundary disputes with private landowners even though eighty percent of non-navigable waters were starting to produce oysters. Everything was fine until the second moratorium stated Mr. Salinovich and then as Mr. Vujnovich said the bonanza started and it was called speculation. Mr. Salinovich advised that today the Commission and department has just released what he has been asking for since August 1985 and this was the best thing they have done. Mr. Salinovich thanked the Commission.

Chairman Jenkins called for a motion on the two notices of intent and the change as recommended by Mr. Vujnovich. A motion was made by Mr. Vujnovich that the notices of intent with change be adopted. Mr. Foret seconded the motion and it passed unanimously.

(The full text of the notice of intent is made a part of the record)

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

PART VII. FISH AND OTHER AQUATIC LIFE

Chapter 5. Oysters

Section 500. Lifting of Oyster Lease Moratorium

A. The moratorium for the taking of oyster lease applications established by the Wildlife and Fisheries Commission in April, 1978, will be permanently lifted. At that time applications for oyster leases will be accepted in accordance with all applicable statutes, rules and regulations and the procedures set out below. One week prior to the date that the moratorium is lifted, the date, time and place where applications are to be taken will be publicly advertised. For purposes of and only for purposes of this final lifting of the moratorium, the New Orleans Royal Street office will not be the site.

B. On the date for taking of applications only one applicant will be allowed in the office to take one application. The applicant will have fifteen minutes to designate the area he wishes to apply for.

C. Applications will be taken twenty-four hours a day (on a first come basis) until the department feels the influx of people can be handled at the regular office hours at the New Orleans Office, at which time anyone will be able to take an application.

D. After applicant pays the application and survey fees he may return to the end of the line for another application.

AUTHORITY NOTE: Promulgated in accordance with R.S.  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: ( , 1991).

James H. Jenkins, Jr.  
Chairman

(The full text of the notice of  
intent is made a part of the record)

NOTICE OF INTENT  
DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76

## PART VII. FISH AND OTHER AQUATIC LIFE

### Chapter 5. Oysters

#### Section 501. Oyster Leases

##### A. Office Policies and Procedures

1. Office hours will be from 8 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.

2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

##### B. The taking of Oyster Lease Applications

1. There shall be a 50-foot buffer zone established between new leases. However, by mutual written consent of applicants of adjacent water bottoms the lease boundaries may be common.

a. Where distances between oyster leases or between oyster leases and the shoreline are 200 feet or less, no applications or leases shall be taken or issued except that the intervening space may be shared equally by the existing leases or applicants if properly applied for and leased in accordance with existing policies and practices.

b. No new application will be taken or lease issued whose length exceeds its narrowest width by more than a factor of three except as follows:

i. between existing leases where all available water bottoms are taken;

ii. in bayous (or similar configurations connections or cuts between bays, lakes and ponds, etc.) where all available water bottoms are taken with a subservient clause prohibiting an impedance of reasonable navigation;

~~iii. a lessee may at the time of renewal request to take up his lease plus existing shoreline erosion not to exceed 100 feet along any shoreline providing that it does not conflict with an existing lease or application.~~

~~iv. a lessee may once and only once during the life of a lease submit a revised survey by a private surveyor to take up existing erosion not to exceed 100 feet along any shoreline providing that it does not conflict with an existing lease or application;~~

c. Any application for an oyster lease may be contoured to follow the shoreline.

d. No application will be taken to incorporate an existing lease or leases plus additional acreage when less than three (3) years remain in the terms(s) of said lease or leases.

2. If an applicant does not keep his appointment with a surveyor his application will be cancelled. The applicant will be notified of action taken and be given an opportunity to reinstate the application with an additional payment of the survey fee within 14 days of the cancellation notice. When the department surveyor cannot keep his appointment all efforts will be made to notify the applicant;

3. a. If any survey of existing leases by the surveyor of the department shows an overlap, the department will abstract the leases involved and eliminate the overlap, giving the area to the longest continuously uninterrupted lease and shall notify the lessees of the action.

~~b. If any survey of an application for new areas shows an overlap of an existing lease and the applicant has not applied for restakes of the overlapped lease the application will be cancelled. The applicant will be notified of the action taken and be given any opportunity to reinstate the application with an additional payment of the survey fee within 14 days of the cancellation notice. An application cancelled for overlapping an existing lease will not be rescheduled until the restakes required to resolve the overlap have been applied for.~~

b. All surveys for new area will be computed at a fifty (50) foot offset from all existing leases. If applicant wishes to share common boundaries with the adjacent lease or leases, the applicant must submit to the survey section written consent from the adjacent lease owner or owners (even if lease or leases are in same name as the applicant) no later than Thursday prior to the week the work is scheduled.

4. All applicants must appear in this office to place applications for survey and lease, or provide power of attorney to agents to act in their behalf.

5. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1 of each year.

6. A fee of \$10 per lease will be charged for transfer of oyster lease.

7. A fee for all extra maps, leases, plats or documents, will be charged as follows:

All maps	-\$ 10 per copy
Plats	-\$ 5 per copy
Lease Documents	-\$ 5 per copy
Other materials	-\$ 1 per copy
Computations	-\$ 2 per point
(Lambert to Latitude/Longitude)	

#### 8. Survey Application Fees

a. Survey application fees for new leases ~~after the moratorium is lifted~~ will be as follows:

Acres	Dollars
10 or less	\$200
11 - 20	\$250
21 - 200	\$ 3.50 additional for each acre after 20
201 - 1000	\$ 2.00 additional for each acre after 200

An additional survey fee of \$10 for each shotpoint in excess of six, excluding shore shorts, will be paid prior to approval of any lease.

b. Survey application fees on leases expiring by 15-year limitation are established as follows:

Acres	Dollars
10 or less	\$150
11 - 20	\$250
21 - 200	\$ 2.50 additional for each acre after 20
201 - 1000	\$ 1.50 additional for each acre after 200

An additional survey fee of \$10 for each shotpoint in excess of six, excluding shore shots.

c. Survey application fees for RESTAKES of one's own lease are established as follows:

\$25 per shotpoint

d. Survey application fees for RESTAKES of someone else's lease are established as follows:

\$90 for the first two shotpoints  
\$50 for each additional shotpoint thereafter

e. The Survey Section shall notify owner(s) of lease to be restaked.

~~9. If an oyster farmer knowingly has a private surveyor survey over an existing lease or application, that application is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one year period.~~

C. Private Surveyors Surveying Oyster leases for Oyster Farmer

1. All surveyors must appear in person in the office of the Survey Section of the Department of Wildlife and Fisheries to research information pertinent to their surveys.

2. Surveyor to be charged the basic rate for copies of documents needed.

3. All controls and corners of oyster surveys to be tied into the Louisiana State Plane Coordinates System.

4. All surveys must comply with R.S. 56:427B which requires the lease not to exceed the initial application by more than 10 percent compliance by negotiation with the applicant. If unacceptable application will be cancelled and all fees forfeited.

5. Surveyors to execute properly survey's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.

6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section With the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.

7. Surveyors to note in the original field notes any activity in or adjacent to or on surveyed area, or any existing structures, etc.

8. Survey plats to be drawn in black ink on forms furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same.

9. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.

10. Application number and ownership on all survey plats to be shown on original application.

11. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom and results noted on original field notes, along with tidal information.

12. Use standard signs and symbols.

~~13. The Louisiana Department of Wildlife and Fisheries Survey Section will provide all information needed to perform the survey.~~

13. If an oyster farmer knowingly has a private surveyor survey over an existing lease, application, or land area, that application or lease is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one (1) year period. [Formerly B.9.]

14. Noncompliance with ~~Subsection C. 1-12~~ above any requirement established by law or by these rules, after 30-day notification from the department by certified mail, shall result in cancellation of the application or lease and forfeiture of all fees to the department.

D. 1. Complaints in the field are to be handled in the following manner.

a. The oyster farmer should allow the survey to be completed in all situations. The surveyor has his instructions.

b. If the oyster farmer is dissatisfied with the survey after completed, he may register his complaint with the survey office within 14 days of date of survey.

c. Survey crew is to note that the oyster farmer will complete the survey under protest at time survey is being performed.

d. If the oyster farmer prevents survey from being completed in the field, his application will be cancelled. The oyster farmer has 14 days from postdate on letter notifying him of said cancellation to come into the office and pay survey fee and have application reinstated.

~~2. In an effort to comply with R.S. 56:425D, which allows the department to settle disputes and R.S. 56:427C requiring compact leases, and policy B-1, the department has the authority to grant applications to settle boundary disputes particularly as it is associated with shoreline erosion.~~

#### E. Oyster Lease Posting Requirements

In an effort to comply with R.S. 56:430, Paragraph B, and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements.

1. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the

property or area to be posted. These signs shall be written in the English language.

2. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to 12 feet above the water level.

3. At the main entrance to the property and at no less than all corners along the boundary of said property, the party seeking to post same shall include his name or initials in addition to the lease number.

4. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.

5. In open waters all signs are to be placed facing outward.

F. 1. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled.

2. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of applications. If the department has not been notified within 180 days the application will be cancelled and survey fees will be retained.

3. No application for lease shall be transferrable.

4. An applicant will be required to outline on a department map the area for which he wishes to apply. Pursuant to R.S. 56:427(A), each element of the verbal description written on the application must be met by the survey plat. Additionally, the survey plat must conform completely to the map outline, attached to and made a part of the application; provided, however, that deviations from the map outline (but not the verbal written description) are permitted when such a deviation would not encroach on a neighboring lease or application, or when the signed, written consent of the leaseholder or applicant whose lease or application would be affected, has been granted. In no case will an applicant survey outside of his verbal written description, except as provided in 5.a.ii. below.

5. a. In the event of department error which results in an application being taken in an area where there is a prior undisclosed application or lease which prevents the applicant from taking the full amount of acreage applied for in the area



described, the following procedure shall apply: the applicant shall have the option of

i. taking all available remaining acres within the originally described area in a lease and receiving a pro rata refund of unused survey application fees for any loss of acreage; or

ii. taking all applied-for acres in one lease outside of the originally described area but in the nearest unencumbered water bottom: or

iii. if neither of the above options is acceptable to the applicant, the applicant may have his original application cancelled and receive a full refund of the survey application fee.

b. The applicant shall have 30 days from the date of notification of the conflict to exercise the above options.

c. If the applicant exercises the option as set out in Paragraph 5.a.ii above he shall be held to the amount of acres in his original application plus 10 percent.

d. In all such cases, the department shall have final approval of all relocations.

e. Before having the relocation area surveyed, it shall be necessary for the applicant to submit a new application for the area of relocation. This application shall be identified as a "relocation" application and shall indicate the old application by number for which it is being substituted and shall also be approved in writing by the ~~chief of the Oyster Survey Section~~ Undersecretary and the chief surveyor of the department, ~~and the chief of the division.~~

f. All relocations shall follow this procedure. No survey shall proceed until the properly completed relocation application has been submitted, accepted and approved. No survey is authorized without the above procedure being followed nor shall the department be responsible for the cost of any survey performed prior to final approval of the relocated application.

6. No application for a new area will be accepted from any person not of the full age of majority (18 years).

~~G. 1. Upon lifting of the moratorium, a date will be set for the taking of appointments to make applications.~~

~~2. Each appointment will be for a 30 minute period and will allow the applicant to make one application.~~

~~3. If all applicants have received appointments and there are still openings, an applicant may go to the end of the~~

~~line and make another appointment for one application. An applicant may continue to go to the end of the line and make appointments as long as applications are available.~~

~~4. In subsequent years the number of applications not surveyed by July 1 will be determined. This number will be subtracted from a base of 500 to determine the number of applicants to be accepted. On the first business day in August appointments will be taken and the rules in Paragraph G-3 and G-4 will apply.~~

H. Policy to comply with laws concerning default in payment of rent on oyster leases (Non-compliance R.S. 56:429)

1. On the first working day in February of each year, the Survey Section will compile a list of leases that are in default (R.S. 56:429). After compiling the list each owner will be notified by certified mail that his lease is in default and will be offered at public auction on the last Tuesday in March. He will also be notified that all works, improvements, betterments, and oysters on the leased area are the property of the state and that the Enforcement Division of the Louisiana Department of Wildlife and Fisheries has been so notified.

2. On the first working day following the last day of February all leases still in default will be advertised in a newspaper in the parish in which the lease is located. After the placement of the advertisement, advertisement cost will be added to the lease rent plus 10 percent. Up to and including the last second Monday in March, the leases may be reinstated by payment of the rent due plus 10 percent and the advertising cost if applicable.

3. On the last Tuesday in March the auction will be held at a place to be designated by the Louisiana Department of Wildlife and Fisheries. The auctioneer will be the chief ~~of the Seafood Division or whoever he wishes to designate~~ surveyor or his designee. The opening bid for each lease will be the rent due plus 10 percent and advertising cost. All sales must be paid for in cash or by certified check. The auction will start with the lowest numbered lease and continue numerically until complete.

4. Any leases not sold at auction will be removed from the Survey Section maps. The area will be open and may be taken by application ~~at the yearly opening~~.

I. Procedures to comply with R.S. 56:432.

1. The Survey Section will keep an indexing system to determine the acreage held by all oyster lease holders.

2. No application will be accepted that will cause an applicant to exceed a total of 1000 acres under lease and application. Reference R.S. 56:432.

3. No lease will be issued to an oyster lease holder that will cause his account to exceed 1000 acres underlease unless he qualified for additional acres by the ownership of oyster canning plants.

4. An oyster lease applicant will be given 30 days to reduce lease acreage prior to cancellation of any application that would cause his lease acreage to exceed 1000 acres. If the reduction is not made within 30 days the application will be cancelled and all fees retained by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:427.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 10:470 (June 1984), amended L.R. 12:844 (December 1986), amended L.R. 15:197 (March 1989), amended L.R. 17: \_\_\_\_\_ (\_\_\_\_\_, 1991).

James H. Jenkins, Jr.  
Chairman

Mr. Don Puckett continued and presented information and a resolution on the **Shell Dredging Lease Bid Package, Central Coast**. Mr. Puckett informed the Commission that at the their request a review was undertaken of several portions of the lease and bid package on the central coast. Some of the changes being recommended are merely technical changes and there is a significant change concerning the tract description and area. Mr. Puckett explained that he would like to go through the whole package and then get into a discussion on the tract description that has been made. up

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Mr. Puckett's presentation basically consisted of four parts, the first being some changes that have been proposed which are included in the resolution before the Commission. The first was the tracts which was presented last. The second change was to authorize the Secretary to either waive the bid bond or a portion of the bid bond, or grant an extension of the twenty day time period in the case of a good faith bidder who has yet to receive all applicable and necessary permits. The third one is to require the bids to be binding for a period of sixty days. This would allow the Commission to go back and pickup a second highest bidder if for some reason the highest bidder could not qualify either for permits or other reasons. The last change ties into the fact that two tracts are being discussed instead of one. If the Commission decides to go with a division into two tracts this would allow bidders to submit bids on either or both tracts or to submit a bid on both tracts in globo which simply means one bid for the entirety for the two areas. pick

The second portion of Mr. Puckett's presentation concerns recommendations from the Council for the Mineral Board and DNR, which are one in the same. This matter will be going to the Mineral Board next week; however, their Staff Counsel has reviewed this and has made some changes advised Mr. Puckett. Mr. Puckett stated that he has reviewed the changes and has no real problem with them and was inclined to recommend them to the Commission. Most of the changes are of a technical nature. Some of the concerns have to do with including "his agencies" within the whole harmless clause on the lease. Another suggestion was to add the "off sight restoration" clause to the lease which is presently part of the Coastal Use Permit which is issued by DNR. The permit requirements are not known right now and it is not known if DNR is going to require new permits for this area when new leases are issued. If so, there is no guarantee that the off sight restoration clause would be included. The more prudent thing to do is to go ahead and include the off sight restoration in the lease identical to the one that is in the Coastal Use Permit with a provision that if it is maintained in the permit there would be no requirement for double payment advised Mr. Puckett. Another suggestion that was made, which is a standard part of all oil and gas leases, has to do with "no warranty of title" and Mr. Puckett is inclined to recommend that this be included. Mr. Puckett pointed out a technical change on page 9 which presently states that "Location of the dredge shall be recorded on an hourly basis in Loran-C coordinates" and inserted the words "at a minimum," after "shall," should DNR required more frequent movement. Another change on page 15 concerns the performance bond which may give a little more protection advised Mr. Puckett. The third portion of the presentation was a generic recommendation which was the last paragraph of the resolution. This would authorize the Chairman to make such lease as may be requested by the Mineral Board and any changes to the lease and bid documents that may be necessary. Mr. Puckett stated that he thinks this is a requirement that is becoming increasingly necessary to keep from having to come back to the Commission every time there is a change in the documents. If the Chairman felt like it was such a big change and needed to bring it back to the Commission he could do so advised Mr. Puckett.

Mr. Puckett proceeded to address the property description and used maps to illustrate the old and new boundaries. What is being proposed is to come into the area of the West Atchafalaya Bay and take out a portion that represents the new merging delta, the Wax Lake outlet and Atchafalaya River, plus a bumper zone around each one to allow for future growth. The second thing would be a deletion of the Terrebonne Coastal area that presently shows up as Section 9 on the old map. After pointing out another area Mr. Puckett stated that these are the areas, Tract A and B that are presently being proposed to the Commission and the acreage on these two tracts are approximately 49,552 acres and approximately 66,442

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acres. Concluding his presentation Mr. Puckett asked if any of the Commissioner had any questions.

Chairman Jenkins called for questions from the Commission. Mr. Vujnovich asked if there were any oyster leases in that area. Mr. Puckett stated that just from his general knowledge there were leases taken near Marsh Island and asked if anyone else could address this. Chairman Jenkins advised that if there are leases in that area they would have to be avoided because they would be above the mud line and would be excluded. Mr. Vujnovich then asked if the erosion problem would be effected in any way and are they close to the shoreline. Mr. Puckett advised that he could not address the question on erosion but there was a fifteen hundred foot boundary around the shoreline in one place and pointed out on the map that the Pointe-au-Fer reef and any land mass or any waterbottoms within the hatched out area would be off limits for dredging because it is part of the Attorney General's line. Chairman Jenkins advised that this area has been leased for decades and the area being recommended for lease is a lot smaller than it has been in the past.

Chairman Jenkins asked if anyone in the audience had any questions. Mr. Alfred Hitter representing SAVE OUR COAST addressed the Commission. Mr. Hitter advised that they were just notified about the changes yesterday afternoon by Mr. Puckett. Mr. Hitter had attended the Minerals Committee meeting at which time they were presented the proposed lease and they did not have any problems. However, now that these terms and conditions of the lease are being changed they are primarily concerned about the area being enlarged. The area in Atchafalaya Delta that is being given up has already been dredged and all the shell has already been taken. Mr. Hitter pointed out that as the Commissioners know there is the consent agreement with Judge Katz's court about not expanding outside the area of the present leases and as Mr. Puckett told him this morning there is wording that the area can be expanded if it has been permitted. On such short notice Mr. Hitter was not able to put together anything to research this and he would like the Commission to withhold considering the resolution until SAVE OUR COAST has had a chance to receive the changes that are being proposed and an intelligent statement can be made to the Commission. Mr. Hitter advised that in answer to Mr. Vujnovich's question there are oyster leases in that area and also the Attorney General's reefs being discussed have also been dredged and are gone. The dredging in the area is contributing to coastal erosion added Mr. Hitter. 11

Ms. Susan Clay, attorney representing DRAVO Basic Materials Company, addressed the Commission. Ms. Clay echoed Mr. Hitter's concerns about the fact that there are some significant and substantial changes in the proposed tracts from last time and DRAVO would like to ask for additional time to evaluate the matter and submit comments to the Commission on the area. There are some questions about the reason for two tracts instead of one advised

Ms. Clay. The bid package, as it was drafted and submitted last time, apparently indicated that the Commission wanted people to bid on the entire tract although bids on portions of the tract would alright. There are some concerns as some of the permits permit only two dredges to operate in East Cote Blanche Bay. When this permit was issued it was actually issued jointly to DRAVO and Lake Charles Dredging and Towing. The permit says that there can only be a total of two dredges operating in East Cote Blanche Bay advised Ms. Clay. When one permittee starts up operations with a dredge then the other permittee who has been operating has to shut down one of his dredges in order to allow the other company to start up. A lot of confusion could arise out of this and this provision which is in the permit has a term lasting until 1997 explained Ms. Clay. Ms. Clay referred to what Mr. Hitter had to say about the consent judgment and read from a copy of the judgment. The judgment says "It is further ordered, adjudged and decreed that any new leases of waterbottoms for shell dredging issued by the Department of Wildlife and Fisheries shall be limited to areas presently under shell dredging lease or permit". As Mr. Puckett has pointed out that in the past, Zone 8 east of the longitude line 91.37 and all of Zone 9, which is the part the resolution proposes to be eliminated, are under lease and would be covered. These areas could be included in the present lease without violating the consent judgment and the same thing is true in the additional area of East Cote Blanche Bay except that this area, instead of being under lease, is under permit at this point advised Ms. Clay. The Corps of Engineers' permits cover all of East Cote Blanche Bay and this area can be included in the proposed leases without violating the consent judgment. Ms. Clay stated that she does not think the consent judgment enters into the picture at all and believes that Mr. Puckett could verify this. Ms. Clay pointed out, with respect to eliminating all of Zone 9, that presently DRAVO has an application permit before the Corps of Engineers for a modification of one of their permits. An EIS is being prepared on the area and covers all of Zone 8 east of the longitude 91.37 and a small portion of Zone 9 up to longitude line 91.20 which comes off of Pointe-au-Fer. If you back up the eastern most boundary of the area the present EIS is covering, you can eliminate all of Terrebonne Parish without eliminating all of Zone 9, and this is what they are trying to say stated Ms. Clay. Additionally, there is no permit for the rest of Zone 9 and no EIS is being prepared on the area. What DRAVO would like to see is for the department to keep it options opened to include Zone 9 in the lease; but by including all of Zone 9 in the proposed lease DRAVO would not be able to move into the area and begin to operate before such time as they apply to the Corps of Engineers and the Department of Natural Resources for permits; also an EIS would have to be done on this area. An EIS is a very lengthy process taking anywhere from eighteen months to two years and if the area is included in the lease the option would be left open for DRAVO to apply for a permit. The considerations of the environmentalists and the residents of Terrebonne Parish would have to be considered

by the Corps of Engineers and DNR before any permits would be issued for the area. This could be included in the lease but it will not authorize DRAVO to move in and start operating advised Ms. Clay. Concluding, Ms. Clay stated in an effort to maximize to the state the revenues from harvesting this resource and to keep business options opened, not only for DRAVO but any other company interested in bidding, they are asking that perhaps the Commission reconsiders the elimination of Zone 9 and also asking the Commission not to take action on the resolution today so that DRAVO can take a look at this and some substantive comments can be made.

Mr. William Kass, President of the Louisiana Oyster Dealers and Growers Association, addressed the Commission. Mr. Kass stated that one of the biggest problems in their industry is coastal erosion which is tearing the industry up. Mr. Kass asked the Commission to examine the lease closely and if they allow any of the coastal natural reefs to be removed they would be accelerating the erosion in this state. As you eliminate these reefs you have no natural barriers and the state is spending million of dollars now trying to construct barrier islands stated Mr. Kass. Concluding, Mr. Kass commented that this may be a way of not having a revenue coming in but it would save you a lot of money in the end.

Mr. Daniel Blanchard, commercial fisherman, addressed the Commission. Mr. Blanchard informed the Commissioners that he worked the areas that are being discussed and a valuable area was destroyed for shrimp. At one time you could not pass through the areas and now you have nine, ten feet of water. Terrebonne Parish is spending over a hundred million dollars for hurricane protection and if you keep on letting the reef companies eat up the barriers there is not going to be anything left in the state commented Mr. Blanchard. The most important part is that the dredging will destroy the shrimp in that area concluded Mr. Blanchard.

Ms. Susan Clay advised that just to respond to the concerns of the gentlemen, with regard to coastal erosion and the shrimping industry, there is no dredging going on at Terrebonne Parish and the coastal erosion problems in Terrebonne cannot be laid at the feet of the shell dredging companies at this point. More importantly, again, the Corps of Engineers has engaged in the lengthy process of preparing an EIS on the area that is being discussed and obviously coastal erosion is a major environmental concern in this state and will be dealt with pointed out Ms. Clay. Comments will be taken from all the public and interested parties with respect to this issue. Concluding, Ms. Clay stated that again she would respectively suggest that perhaps they should await the outcome of the EIS and see what the experts have to say in terms of the impact of shell dredging on coastal erosion. The current coast use permits issued by DNR and the current Corps of Engineers' permits contain very many restrictions and conditions that do not allow dredging in many environmentally sensitive areas. If

dredging was to be allowed in Zones 8 and 9 the same restrictions and conditions can be imposed. It may well be that the Corps will decide that there are areas of Zones 8 and 9 where the resource can actually be harvested without doing any undue environmental damage. Restrictions and conditions obviously will be imposed as they have been in the past and DRAVO suggests that this is the way to address the concerns and issues commented Ms. Clay.

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Mr. Pete Franklin, DRAVO Basic Materials Company, addressed the Commission. Mr. Franklin stated that as Ms. Clay, their attorney, pointed out they have applied for a permit that extends over to 91.20 and the selection of that line was based on information through the years that was brought out by various state and federal agencies. This is why this particular line was selected and DRAVO did not try to go any further east because that is where concerns have been advised Mr. Franklin. There may be areas in there that the state could take advantage of the resource and it may be of the benefit of the state to at least keep an option opened. Since this line was based on information that DRAVO had, it was felt like this would not be objectional to many of the state and federal agencies through conversations held in the past concluded Mr. Franklin.

Mr. McCall asked if Zone 8 had been dredged before. Mr. Franklin stated that he was not aware of this, maybe years ago before a lot of restrictions and believes all the work was done on the inside prior to that through the years. Mr. McCall stated then Mr. Franklin was not sure if it has ever been dredged before. Mr. Franklin commented that there was dredging in the general area but could not say that there had been dredging in Zone 8. Chairman Jenkins advised that it has been leased before but it has never been dredged. Mr. Franklin added that he thinks portions of the general vicinity were dredged through the years but it depends on what part you are talking about and pointed out on the map the portion they were discussing. Mr. McCall asked if the area north of where Mr. Franklin was pointing had been dredged. Mr. Franklin answered yes, there has been dredging through the years a long time ago but not recently.

None  
Chairman Jenkins asked if there was anyone else who wished to comment. There being ~~no one~~, Chairman Jenkins made a couple of comments. To answer the question about the two tracts instead of one Chairman Jenkins explained that there were some interested parties that felt like they were unable to put a bid in on the whole tract but could bid on a smaller tract. In an effort to try to give a number of people an opportunity it was thought to be appropriate if it was broken into two tracts. A bid can be made on either tract or both tracts and it will be decided which bid would be the best for the state commented Chairman Jenkins. As far as SAVE OUR COAST concerns about the area being enlarged Chairman Jenkins advised that the area has been reduced considerably and has not been enlarged. The whole building delta area has been taken out, also all of Zone 9 has been taken out and the only area that



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has been added is that area in the western section which is added to the west and was added in order to try to make the two tracts comparable in size for bid purposes explained Chairman Jenkins. Chairman Jenkins stated that he understands the concerns about the changes and that Mr. Puckett, legal counsel, has advised that this has got to stay on track to get it done in a timely matter. Chairman Jenkins at this point suggested that the Commission considers a motion to let the Minerals Committee consider these changes that are causing concern, whatever they may be, within the next couple of weeks unless the Commission as a whole would like to have a special meeting. This has got to be kept in motion so that the deadline on the bid dates will be met advised Chairman Jenkins and called for the pleasure of the Commission.

Mr. Foret stated that he understands they still have a lot of seed oyster in the area and asked where in that area does the state have the oyster leases where people harvest the seed oyster. Mr. Louis Schilling with the Survey Section addressed the question and explained that there is a line that is between Pointe-au-Fer and south point on Marsh Island. Mr. Foret asked if the dredging will be in that area. Mr. Schilling stated that he did not know. Chairman Jenkins asked if a seed oyster was above the mud line. The answer being yes, Chairman Jenkins advised that it will not be dredged and explained that dredging cannot occur above the mud line anywhere, so if there is a reef of any sort above the mud line it cannot be dredged. This is the way it has always been since he has been on the Commission added Chairman Jenkins but years ago those reefs were dredged but not in recent history.

Mr. Phil Bowman addressed the Commission and advised that there are two specific areas in the large geographical area that have been designated by the Commission as public oyster seed area. Mr. Bowman pointed out on the map the two areas. One of the area extends from Pointe-au-Fer on the western end of Pointe-au-Fer Island to south point on Marsh Island and out to the extent of the Louisiana territorial jurisdiction. In addition to this area all the areas of Vermilion, East and West Cote Blanche Bays and parts of the Atchafalaya Bay have also been designated by the Commission as a public oyster seed areas. Mr. Bowman pointed these area out on the map and explained where the lines extended. These areas are currently in Title 76, rule, as public oyster seed areas. Mr. Foret asked Mr. Bowman if the dredging would interfere with the oyster reefs. Mr. Bowman answered he was not going to comment on the specific rules as it affects the shell dredging because he is not familiar with them and deferred the question to someone who was more familiar with the rules. Mr. Puckett advised that there is a general restriction on any area that prohibits dredging of what they call sub-acreage reef which would be a reef above the mud line. If a reef is hit that is above the mud line they would be prohibited to dredge. Mr. McCall stated that if they hit it they have already dredged it. Mr. Puckett advised that the idea is if they approach that reef they are suppose to stop before they dredge

it. Mr. McCall asked how far do you have to stay away from the reef. Mr. Pete Franklin with DRAVO answered the question and advised that you have to stay a thousand feet away from any exposed oyster reef. There are survey boats that help position the dredges and Mr. Franklin assured the Commission that DRAVO is only dredging materials that are covered by mud and are not going to jeopardize their investment, permits, etc. to violate this permit. These reefs are protected in the permits and are not in danger of being dredged by DRAVO advised Mr. Franklin. Mr. Schneider asked if there has been any violation of these permits in the last five or ten years that Mr. Franklin is aware of. Mr. Franklin advised no, and explained that maybe five or six years ago there was a question about a boundary and where the shoreline was and the operation was suppose to be a half of mile away, low water or high water was addressed because it was not clear in the permit. There was no fine levied, just questions, but there has been none, absolutely none state Mr. Franklin. Mr. Foret stated that five or ten years ago you still had a bunch of reefs that were sticking out of the water, low tide would hit them, now they are gone and asked what happened to them. Mr. Franklin advised that they have not dredged them and there are records where they have dredged. Chairman Jenkins asked where the reefs were. Mr. Foret stated in the same area they are talking about now.

Chairman Jenkins asked if there were any more comments. There being none he asked what was the pleasure of the Commission. Mr. Vujnovich asked about the special meeting that Chairman Jenkins had referred to earlier. Chairman Jenkins explained that this could be done with the Commission or the Minerals Committee. Mr. Vujnovich pointed out that the reason he brought this up was because he has never been in that area but two years ago that was the only oysters in the State of Louisiana. Mr. Vujnovich advised that he could not vote yes or no on this as of right now.

Mr. Jones made a motion that the Commission authorize the Minerals Committee to make changes to the lease as may be requested by the Minerals Board and additionally to make changes to the lease and bid documents as may be necessary down the line to help expedite this and continue with the dialogue. Chairman Jenkins called for a second on the motion. Mr. McCall seconded the motion. Chairman Jenkins called for a vote on the motion. Those voting for the motion was Mr. Jones, Mr. Schneider, Mr. McCall with Mr. Vujnovich and Mr. Foret abstaining. The motion carried.

Mr. Paul Jackson presented the **Resolution and the Rules for Free Recreational Fishing Days for Ratification**. Mr. Jackson presented the resolution and rules for ratification of free recreational fishing days in Louisiana that will coincide with National Fishing Week in June. Mr. Jackson explained that the notices of intent were brought to the Commissioners in December which declared the weekend of the first full week in June as free recreational fishing days for both saltwater and freshwater fishing. The rules have now

gone through the Administrative Procedure Act and are now before the Commission to be ratified through the resolution. Chairman Jenkins asked Mr. Jackson to read the "Now Therefore Be It Resolved" part of the resolution. Mr. Jackson concurred. Chairman Jenkins asked if this was just for this year. Mr. Jackson explained that this has been changed to a permanent rule so they would not to come before the Commission every year but this could be changed if needed. Mr. Jackson advised that Mr. Jones had suggested and would like to try and have the dates where they coincided with the expiration of licenses. Mr. Jackson stated that he would like to keep it the way it is where it will be nationally recognized along with thirty something other states that recognize this weekend as free fishing days. A motion was made by Mr. Schneider that they adopt the resolution ratifying the rules on free recreational fishing days for saltwater and freshwater. The motion was seconded by Mr. Vujnovich and passed unanimously.

(The full text of the resolution is  
made a part of the record)

#### RESOLUTION

##### DEPARTMENT OF WILDLIFE AND FISHERIES WILDLIFE AND FISHERIES COMMISSION

- WHEREAS, sportfishing provides recreation for more than sixty million Americans of all ages, giving families a healthy, shared outdoor activity, and
- WHEREAS, sportfishing, through the payment of millions of dollars annually for licenses, taxes and fees, has provided the funding for federal and state programs that contribute significantly to the preservation and protection of our natural environment, and
- WHEREAS, the estimated 800,000 plus sportfishermen in Louisiana contribute in excess of one billion dollars annually to our economy, and
- WHEREAS, Act 301 of the 1987 Louisiana Legislature authorizes the Louisiana Wildlife and Fisheries Commission to declare no more than two free recreational fishing days each year, and
- WHEREAS, free fishing days during National Fishing Week would provide an excellent opportunity to introduce additional individuals to the wholesome outdoor activity of fishing.
- NOW THEREFORE BE IT RESOLVED, that we the undersigned members of the Louisiana Wildlife and Fisheries Commission do hereby officially adopt this resolution and attached rules for freshwater and saltwater fishery declaring the weekend

of the first full week of June each year as Free  
Recreational Fishing Days in the State of Louisiana,

BE IT FURTHER RESOLVED, that during these two days residents and  
non-residents may exercise the privileges of a licensed  
recreational fisherman without purchase of the any  
otherwise necessary recreational fishing license.

James A. Jenkins, Chairman  
Norman F. McCall, Vice Chairman  
Warren I. Pol

Bert Jones  
Pete Vujnovich  
Houston Foret

Jeff Schneider

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James A. Jenkins  
Chairman

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A. Kell McInnis III  
Acting Secretary

(The full text of the rule is made  
a part of the record)

#### RULE

### DEPARTMENT OF WILDLIFE AND FISHERIES WILDLIFE AND FISHERIES COMMISSION

#### TITLE 76 WILDLIFE AND FISHERIES

#### Part. VII. Fish and Other Aquatic Life

#### Chapter 1. Freshwater Sport and Commercial Fishing

#### Section 151. Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana legislature,  
the Louisiana Wildlife and Fisheries Commission has declared the  
weekend of the first full week of June each year as Free  
Recreational Fishing Days in Louisiana to coincide with National  
Fishing Week each year. On the two above mentioned free fishing  
days, residents and non-residents may exercise the privilege of a  
licensed recreational fisherman without purchase of any otherwise  
necessary recreational fishing license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.7.  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and  
Fisheries, Wildlife and Fisheries Commission, L.R. 17: (April,  
1991).

Jimmy Jenkins  
Chairman

(The full text of the rule is made  
a part of the record)

RULE

DEPARTMENT OF WILDLIFE AND FISHERIES  
WILDLIFE AND FISHERIES COMMISSION

TITLE 76  
WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishing

Section 339 Free Recreational Fishing Days

In accordance with Act 301 of the 1987 Louisiana Legislature, the Louisiana Wildlife and Fisheries Commission has declared the weekend of the first full week of June each year as Free Recreational Fishing Days in Louisiana to coincide with National Fishing Week each year. On the two above mentioned free fishing days, residents and non-residents may exercise the privilege of a licensed recreational fisherman without purchase of any otherwise necessary recreational fishing license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:302.7.  
HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, L.R. 17: (April, 1991).

Jimmy Jenkins  
Chairman

Colonel Winton Vidrine gave the **Monthly Law Enforcement Report for March**. The following number of citations were made in each region.

Region I - Minden - 124 citations. Two buffalo fish were confiscated, 2 crappies, 16 bass, 1 forty yard gill net and a 500 foot leaded gill net.

Region II - Monroe - 117 citations. No confiscations.

Region III - Alexandria - 156 citations. A hoop net, 25 white bass, 1 seven foot, two inch alligator skin, and 7 pounds of grass shrimp were confiscated.

Region IV - Ferriday - 156 citations. Thirty two hoop nets with leads, 200 yards of webbing, 38 white perch, 11 bream, and 6 bar fish were confiscated.

Region V - Lake Charles - 283 citations. Four rabbits, 800 pounds of crabs, 2 red snappers, 21 bass, 400 feet of gill net, 407 sacks of oysters and 2 hoop nets were confiscated

Region VI - Opelousas - 167 citations. Seventeen largemouth bass, 6 gill nets, 17 channel catfish, 43 blue catfish, 4 squirrels, 1 set brass knuckles, 2 turkeys, 74 catfish and 58 yellow bass were confiscated.

Region VII - Baton Rouge - 178 citations. Fourteen citations for hunting turkeys over a baited area. Seven shotguns, 1 cast net and 4 turkeys were confiscated.

Region VIII - New Orleans - 195 citations. Confiscated were a number of gill nets, fish, crabs, etc.

Region IX - Gray - 330 citations. Confiscated were a deer, crabs, oysters, red drum, black drum, seatrout, 3 boats, outboard motor, and a couple of alligators tails.

SWEP, offshore boats, had a total of 11 citations. Three for trawling in close seasons and confiscated 287 pounds of shrimp, 40 baskets of crabs which was a total of 1,600 pounds (the crabs were returned back to the waters).

The Oyster Strike Force issued ~~out~~ a total of 50 citations and confiscated 60 sacks of oysters, 3 boats, 2 dredges, 1 tongue and 1 gun.

Statewide there was a total of 1,640 cases for the month of March advised Colonel Vidrine and asked if there were any questions on the case report.

Chairman Jenkins asked about the six turkey that were confiscated and if Colonel Vidrine recalled what the Civil Penalty ~~was~~ for a turkey. After a short discussion it was decided that the Civil Penalty was around seven hundred dollars. Chairman Jenkins asked if the Civil Penalties were being collected and ~~were~~ the program was at this stage concerning dollars. Colonel Vidrine advised that he thought Ms. Baker keeps track of the dollars coming in. Acting Secretary McInnis stated that yesterday he spoke with Ms. Wynnette Kees in the Fiscal Section of the Fiscal Office and she brought Acting Secretary McInnis up to date as best as she could on the status of the program. Acting Secretary McInnis advised that he asked Ms. Kees to go through and spend some time to identify where the department was, otherwise what type of cases had been collected and where the department stood with some of the larger cases and asked her to give him a report on this. This will take some work

to put together and the staff person that has been authorized for the position has not been hired as of yet. Chairman Jenkins asked if they could get it for the next meeting. Acting Secretary McInnis stated that he would hope to have it ready for the next meeting.

Mr. McCall asked why the 407 sacks of oysters in Region V were confiscated and what was done with the oysters. Colonel Vidrine answer he believed it was an unapproved area and the department trys to put them back into the water.

Mr. Schneider asked about the fishing without a license cases and if they are convicted are they required to buy a license. Colonel Vidrine answered no, only to pay the fine but normally what they do is that they will buy a license, go to court and show the judge that they bought a license to try and get some leniency out of the courts.

Chairman Jenkins asked about the DWI and if it was in a land vehicle. Colonel Vidrine stated yes and believes it was on a night hunting case where they had to give chase.

Concluding, Colonel Vidrine advised that the new Law Enforcement Academy has started and there are eleven new cadets who will be attending school for eighteen weeks.

**The Acting Secretary's Report** was given by Mr. A. Kell McInnis III. Acting Secretary McInnis reported that the proposed rule for the filleting of the freshwater game fish did not met success in the Oversight Committee and a number of concerns that they had were pointed out. These concerns were not new to the department and the situation will be monitored with the changes in the bass plan and the department will try to come up with something that is acceptable and enforceable. The bass plan went into effect this past Monday and signs (posters) have been put out on all the lakes that are affected. Permanent signs will be following this up.

The Gulf Council met to review, again, the red snapper issue. The commercial quota was left at two million pounds for the year but based on advice from legal counsel and the calculation process for allocation of the recreational harvest it was returned to the number seven for the recreational fisherman.

A contract was entered into last month with K.C.M. and another professional engineering consultant firm from Louisiana on the hatchery. They were at the department yesterday and Acting Secretary McInnis met with them briefly. They are now on the road today evaluating the sites that were identified and the department hopes to have the information back from them in the next week to ten days as to the site that they identify for the hatchery.

Chairman Jenkins and Mr. Blue Watson represented the department at the Board of Supervisors meeting at LSU last month. The surrounding acreage (33 acres) at the headquarters building in Baton Rouge will be transferred by lease to the Department of Wildlife and Fisheries for a ten year period with an option to renew based on what the department has been able to accomplish and what the needs of the land are to other agencies at that time.

Several of the staff have been working with International and in conjunction with this at the North American meeting this past month one major thing that came out was the Migratory Bird Survey Pilot Program which will eventually be a massive program. The program will start off in the pilot stage with at least two states in each flyway participating. At this point Louisiana has agreed to take a look and try to participate in the pilot study to get a grip on exactly who is out there hunting migratory birds and gather the statistical data that is needed to make sure that we keep those seasons opened advised Acting Secretary McInnis. This will take not only the Game Division but the Enforcement Division and the License Section working together to make this a viable program.

There are a couple of upcoming meetings next week. The Shrimp Association will be meeting in Alabama and Acting Secretary McInnis will be addressing them on some of the shrimp issues. The Outdoor Writers will be meeting next week at Lake Chicot and Dr. Clark and Acting Secretary McInnis plan on attending to address some of the issues that they have on their agenda. The Gulf States Commission meeting will be held in Texas and Louisiana has a number of people that participate in it both on technical and scientific committees.

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Legislatively, the department has not been real active with the particular special session now going on. It is hoped that general funds are generated out of the special session so that the general funds that have been allotted to the Department of Wildlife and Fisheries will remain intact. Also the oil spill bill which Acting Secretary McInnis and others from the department have spent a great deal of time working on is moving very well and the department is pleased with the efforts that have been made with this to date.

All of the authors have been lined up, with maybe one or two exception, for the department's legislative package and the only thing that is considered major is the recodification that Mr. Puckett is working on. This will not change a whole lot but will simply clarify the problems that we have advised Acting Secretary McInnis. It is hoped the package will meet with the approval of the legislature. In monitoring the bills in the last week or so there are some bills that have been introduced by other authors outside of the department that look very familiar and have not been successful in the past. The department will address these bill and monitor their progress. If there are problems with the bills the department will express those problems so that they do not get any farther along than they need to go. One new bill that the department has thought about is a lifetime license and the



department working with the License Section along with Representative Theriot, who has introduced the bill, to make sure, should it be successful, that it is beneficial for the department and does not create problems.

*has*  
Last year in the session Representative Roach introduced a bill for Auxiliary Agents and criteria was set forth in order to make this a viable criteria. The Enforcement Division has worked hard and ~~have~~ looked at the California program, Florida program and others to come up with what they feel will be something that will be beneficial to the department. This is rather restrictive but in order to have people out in the field doing the type of work that the agents are doing it needs to be restrictive stated Acting Secretary McInnis. Copies of this program will be presented to the Commission shortly.

Upon conclusion of Acting Secretary's McInnis' report Chairman Jenkins went on to the next agenda item.

The **July Commission Meeting Date** was set at Thursday's meeting. Chairman Jenkins advised that he would like to review the date for the May meeting which is May 2nd. This meeting will start at 9 a.m. in New Orleans with the hearing on the shrimp season. The June meeting will be on June 6th. There is a problem with the July meeting with the first Thursday being July 4th which is a holiday and the following Thursday, July 11th creates a problem with the Administrative Procedure Act. Chairman Jenkins asked if the Commissioners had any suggestions for the July meeting date. After a short discussion it was decided that Tuesday, July 9th be the meeting date for the July Commission meeting in Baton Rouge at 10 a.m.

Chairman Jenkins called for **Public Comments**. Acting Secretary McInnis advised that he had one other thing. The Natural Heritage people have been very busy and just recently members of the department's staff, Gary Lester and Richard Martin, had published a book on "Atlas and Census of the Wading Bird and Seabird Nesting Colonies in Louisiana". If any members of the Commission are interested in obtaining a copy the department can make it available to them. Also, there has been a registry from the Louisiana Land Exploration Corporation giving the department 12,358 acres of land. Acting Secretary McInnis pointed out that when he says "give" the land was registered as being available with the Natural Heritage Section to protect the various bird sites that are there.

The EPA Administrator, Mr. William Reilly, will be in New Orleans addressing the Garden Clubs at the American National Conservation Meeting. The EPA has accepted the Barataria-Terrebonne Estuary Complex Program and will be viewing this. The department is excited that the program has been accepted and Mr. Reilly will be looking at it advised Acting Secretary McInnis.

Mr. Daniel Blanchard, commercial fisherman, addressed the Commission. Mr. Blanchard asked when the three mile limit was going to be opened again for shrimp from Caillou Bay to the west. Mr. Bowman advised that relative to the last section of the territorial seas in Louisiana that still remain closed to shrimping the department is continuing to monitor shrimp populations in those areas and the staff is not ready to make a recommendation, at this time, that it be opened. The season will remain closed until further notice and could be brought up at the next Commission meeting advised Mr. Bowman. Mr. Foret asked Mr. Bowman if he felt it would not open on the second of May. Mr. Bowman stated that it was difficult to say right now. He has talked to the department personnel over in the area and there is a population of shrimp particularly in the western two thirds of the closed area that are about 130 count. There is only about ten percent of the shrimp in that area right now that are hundred count and larger. The water temperatures were doing good until the cool front this past weekend which dropped the water temperatures in the area. Also, there is still some cool water discharge out of the Atchafalaya River which is retarding the water temperatures from about Pointe-au-Fer Island west. Once you get east of this the majority of the shrimp have moved inshore and the shrimp populations are very low at this time advised Mr. Bowman. Mr. Foret stated that in about another ten, twelve days from now the shrimp that are inside are going to start migrating back out. Mr. Bowman stated that they will look at them at that time as they do every week and if they are larger than a hundred count a recommendation will be given to Acting Secretary McInnis that the season be opened. Mr. Foret commented that you will also have some brown shrimp that will move into that area before May 2. Mr. Bowman stated that they were quite aware of this as this is an annual occurrence ~~and it happens every year~~. Mr. Foret advised that if it goes any further than April 15th he thinks they will run into problems and thinks it should be opened by April 15th.

*redfish*  
Mr. Daniel Blanchard advised that he had a letter to present to Chairman Jenkins from the Organization of Louisiana Fishermen. They are concerned about the delay in the public access report on the Louisiana red and trout stock assessments. Mr. Blanchard gave the letter to Chairman Jenkins.

There being no other business or public comments for the April 4, 1991, Commission meeting Chairman Jenkins called for a motion for **Adjournment**. A motion was made by Mr. Schneider and seconded by Mr. Vujnovich for adjournment of the April Commission meeting. The motion passed unanimously.

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A. Kell McInnis III  
Acting Secretary